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SUBMISSION TO  
THE ROYAL COMMISSION ON  
THE NORTHERN ENVIRONMENT

BY

ONTARIO MINISTRY  
OF THE  
ENVIRONMENT

PRESENTED AT

RED LAKE  
ON  
NOVEMBER 14, 1977



ROYAL COMMISSION  
ON THE NORTHERN  
ENVIRONMENT

THE HON. MR. JUSTICE  
E. P. HARTT  
COMMISSIONER







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File Number

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Exhibit Number

## SUBMISSION TO

THE ROYAL COMMISSION ON  
THE NORTHERN ENVIRONMENT

BY

ONTARIO MINISTRY OF THE  
ENVIRONMENT  
135 St. Clair Ave. West  
Toronto, Ontario  
M4V 1P5

Mr. K.H. Sharpe  
Deputy Ministry

PRESENTED AT

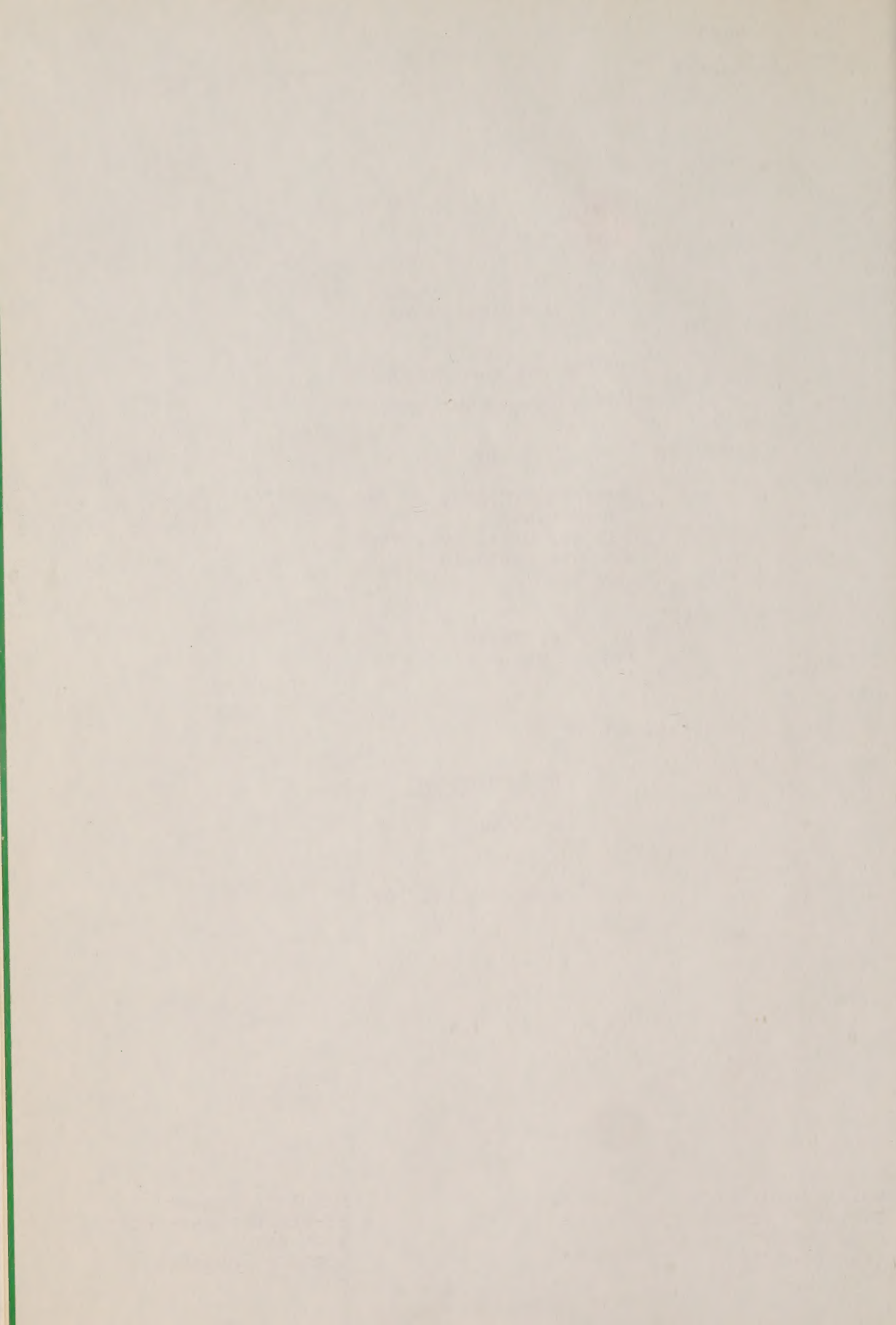
RED LAKE

on

NOVEMBER 14, 1977

ROYAL COMMISSION  
ON THE NORTHERN  
ENVIRONMENT  
416/965-9286

MANULIFE CENTRE  
55 BLOOR STREET WEST  
ROOM 801  
TORONTO, ONTARIO  
M4W 1A5





MINISTRY OF THE ENVIRONMENT  
PRESENTATION TO HARTT INQUIRY

I APPRECIATE THIS OPPORTUNITY TO APPEAR BEFORE THE COMMISSION  
AND PRESENT AN OVERVIEW OF WHAT IS CONTAINED IN OUR SUBMISSION.

THE PURPOSE OF THE MINISTRY OF THE ENVIRONMENT'S SUBMISSION TO  
THESE INFORMATION HEARINGS IS TO PROVIDE THE COMMISSION AND THE  
PUBLIC WITH:

1. AN UNDERSTANDING OF THE ROLE OF THE MINISTRY AS IT  
RELATES TO THE AREA NORTH OF THE 50TH PARALLEL IN  
ONTARIO.
2. SOME INSIGHT INTO THE MINISTRY'S CONCERNS IN THE NORTH  
AND
3. SOME SUGGESTIONS FOR ESTABLISHING THE DIRECTION OF THE  
COMMISSION.

IT IS MY INTENTION TONIGHT FIRST TO COVER BRIEFLY:

1. THE ROLE OF THE MINISTRY AND ITS LEGISLATION
2. THE ORGANIZATION OF THE MINISTRY
3. THE CANADA-ONTARIO ACCORD, AND
4. THE FEDERAL ENVIRONMENTAL ASSESSMENT AND REVIEW PROCESS.

No. 59

Royal Commission on the  
Northern Environment  
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.....  
this .....day of.....19..

I WILL THEN DISCUSS IN MORE DETAIL:

1. OUR MINISTRY'S CONCERNS NORTH OF THE 50TH PARALLEL.
2. THE NEED FOR ENVIRONMENTAL SAFEGUARDS IN THE NORTH
3. THE ECONOMIC IMPLICATIONS OF POLLUTION CONTROL
4. SOME SUGGESTED POINTS TO CONSIDER WITH RESPECT TO  
STRUCTURING THE HEARINGS, AND FINALLY
5. I WILL COVER THE ISSUES THAT WE FEEL THE COMMISSION  
SHOULD ADDRESS.

#### THE ROLE OF THE MINISTRY

THE ROLE OF THE MINISTRY OF THE ENVIRONMENT IS THE OVERALL PROTECTION OF THE NATURAL ENVIRONMENT TO PREVENT DEGRADATION BY MAN'S ACTIVITIES. IN ORDER TO ACCOMPLISH THIS, FOUR GOALS HAVE BEEN SET.

#### GOALS

THESE GOALS ARE:

1. THE CONTROL OF CONTAMINANT EMISSIONS TO THE ENVIRONMENT
2. THE ESTABLISHMENT OF ENVIRONMENTAL SAFEGUARDS IN PLANNING



3. THE IMPROVED MANAGEMENT OF WASTE AND WATER, AND
4. THE MAINTENANCE OF ENVIRONMENTAL QUALITY THROUGH RESTORATIVE AND ENHANCEMENT MEASURES.

### LEGISLATION

IN ORDER TO ACHIEVE THESE GOALS, THE MINISTRY ADMINISTERS THE FOLLOWING STATUTES:

1. THE ENVIRONMENTAL PROTECTION ACT,
2. THE ONTARIO WATER RESOURCES ACT.
3. THE PESTICIDES ACT,
4. THE ENVIRONMENTAL ASSESSMENT ACT,

### THE ENVIRONMENTAL PROTECTION ACT

THE ENVIRONMENTAL PROTECTION ACT ENABLES THE MINISTRY TO CONTROL THE EMISSIONS OF CONTAMINANTS TO THE ENVIRONMENT BY REQUIRING ANY PERSON WHO INTENDS TO CONSTRUCT ANY FACILITY WHICH MAY EMIT A CONTAMINANT, TO OBTAIN A CERTIFICATE OF APPROVAL.

SIMILARLY, CERTIFICATES OF APPROVAL ARE REQUIRED FOR ANY SYSTEM, OR DISPOSAL SITE FOR SOLID WASTE MANAGEMENT, ANY SEWAGE SYSTEM OR ANY STATIONARY SOURCE EMITTING TO THE ATMOSPHERE.

THE MINISTER CAN INITIATE PROSECUTIONS OR ISSUE CONTROL ORDERS WHERE ENVIRONMENTAL PROBLEMS EXIST.

#### THE ONTARIO WATER RESOURCES ACT

THE ONTARIO WATER RESOURCES ACT CONTROLS THE POLLUTION OF ONTARIO SURFACE AND GROUND WATERS AND THE TAKING OF WATER.

IT REQUIRES ANYBODY CONTEMPLATING A WATERWORKS OR SEWAGE WORKS TO OBTAIN A CERTIFICATE OF APPROVAL BEFORE PROCEEDING.

AGAIN PROSECUTIONS AND ORDERS ARE TOOLS AVAILABLE TO THE MINISTRY TO ENSURE CORRECTION OF WATER POLLUTION PROBLEMS.

#### THE PESTICIDES ACT

THE PESTICIDES ACT WAS ESTABLISHED TO CONTROL THE USE AND THE POSSIBLE HARMFUL EFFECTS OF PESTICIDES AND TO REGULATE THE SALE OF PESTICIDES IN ONTARIO.

THERE ARE ALSO PROVISIONS UNDER THESE THREE STATUTES FOR THE PASSING OF REGULATIONS ESTABLISHING SPECIFIC STANDARDS OF ENVIRONMENTAL QUALITY WHICH MUST BE ACHIEVED.

#### INCREASED EMPHASIS ON PREVENTION:

THE ENVIRONMENTAL ASSESSMENT ACT MARKS A BASIC SHIFT IN THE MINISTRY'S STRATEGY FROM OUR TRADITIONAL ROLE OF ENVIRONMENTAL



MANAGEMENT AND PROTECTION TO AN INCREASING EMPHASIS ON THE PREVENTATIVE APPROACH.

THERE HAVE BEEN SUCCESSES WITH THE PRESENT ENVIRONMENTAL CONTROL PROCESS WHICH WOULD SUGGEST THAT MANY OF THE SEVERE EFFECTS, AT LEAST UPON THE PHYSICAL ENVIRONMENT, CAN BE ELIMINATED OR REDUCED TO MANAGEABLE PROPORTIONS FOR NEW VENTURES.

IT IS, HOWEVER, IMPORTANT TO BE ABLE TO PREDICT AND UNDERSTAND THE EFFECTS OF PROPOSED DEVELOPMENTS EARLY IN THE PLANNING STAGES SO THAT DECISION-MAKERS CAN CONSIDER THEM.

THIS PREVENTATIVE FUNCTION HAS BEEN ENHANCED BY THE PASSING OF THE ENVIRONMENTAL ASSESSMENT ACT.

#### THE ENVIRONMENTAL ASSESSMENT ACT

THE ENVIRONMENTAL ASSESSMENT ACT WAS ENACTED TO ESTABLISH A PLANNING PROCESS IN ONTARIO WHEREBY ALL POTENTIALLY SIGNIFICANT EFFECTS ON THE SOCIAL, ECONOMIC AND NATURAL ENVIRONMENTS BY A PROPOSED UNDERTAKING ARE IDENTIFIED AND EVALUATED AT AN EARLY STAGE. THIS PERMITS ALTERNATIVE SOLUTIONS, INCLUDING REMEDIAL MEASURES AND THE ALTERNATIVE OF NOT PROCEEDING, TO BE CONSIDERED BY THE DECISION-MAKERS.

IT IS <sup>intended</sup> ALSO TO ENSURE THAT THOSE RESPONSIBLE FOR PROPOSING AS WELL AS APPROVING AN UNDERTAKING, GIVE DUE CONSIDERATION TO THE MEANS OF AVOIDING OR MITIGATING ANY ADVERSE ENVIROMENTAL EFFECTS

PRIOR TO THE GRANTING OF APPROVAL TO PROCEED WITH THE UNDERTAKING.

TO SOME EXTENT THE OBJECTIVES ESTABLISHED UNDER THE ACT ARE NOT UNLIKE THOSE OF YOUR COMMISSION, ALTHOUGH THE ACT FOCUSES ON PROPOSED UNDERTAKINGS WHILE YOUR COMMISSION IS ENGAGED IN A MORE GENERAL STUDY.

IN EFFECT, WHAT THE ENVIRONMENTAL ASSESSMENT ACT SAYS IS: "LET'S LOOK BEFORE WE LEAP".

#### ORGANIZATION

I WOULD LIKE <sup>to</sup> BRIEFLY TOUCH ON THE ORGANIZATION OF THE MINISTRY.

THE MINISTRY ACCOMPLISHES ITS OBJECTIVES THROUGH CENTRAL FUNCTIONS LOCATED IN TORONTO AND THROUGH THE REGIONAL OPERATIONS DIVISION.

#### CENTRAL FUNCTION

THE CENTRAL FUNCTION IS RESPONSIBLE FOR POLICY AND PROCEDURE DEVELOPMENT, TECHNICAL SPECIALIZATION AND CONSULTATION, ASSESSMENT AND APPROVALS, AND A COMPREHENSIVE LABORATORY SERVICE.

## THE REGIONS

THE MINISTRY'S REGIONAL OPERATIONS DIVISION CONSISTING OF SIX REGIONAL OFFICES AND TWENTY-THREE DISTRICT OFFICES, IS RESPONSIBLE IN THE FIELD FOR PROGRAM DELIVERY ACROSS THE PROVINCE.

## APPROVALS

IMPORTANT IN THE MINISTRY'S ABILITY TO CONTROL ENVIRONMENTAL DAMAGE IS THE APPROVALS FUNCTION.

IN ORDER TO ENSURE THAT PROPOSED PLANNING PROGRAMS, PROJECTS, POLICIES AND LEGISLATION IN ONTARIO INCORPORATE THE NECESSARY SAFEGUARDS, THE FOUR ACTS SET OUT A SERIES OF APPROVALS WHICH MUST BE OBTAINED FROM THE MINISTRY OF THE ENVIRONMENT.

OUR SUBMISSION PROVIDES AN OUTLINE OF THE TYPE OF APPROVALS REQUIRED AND THE AREA OF THE MINISTRY RESPONSIBLE FOR THE APPROVAL.

THE APPROVALS ACTIVITIES OF THE MINISTRY REQUIRE TECHNICAL SUPPORT, WHICH IS SUPPLIED BY THE SPECIALTY BRANCHES SUCH AS THE AIR RESOURCES, WATER RESOURCES, AND POLLUTION CONTROL BRANCHES, AS WELL AS THE REGIONAL OFFICES.



## UTILITIES (SEWER AND WATER)

THE MINISTRY OF THE ENVIRONMENT IS ALSO THE DELIVERY AGENCY FOR PROVINCIAL SEWAGE AND WATER PROJECTS.

THE PURPOSE OF THE UTILITY FUNCTION IS TO PROVIDE ASSISTANCE WHERE NEEDED TO MUNICIPALITIES TO MEET MINISTRY REQUIREMENTS FOR CONSTRUCTION OF WATER AND SEWAGE WORKS.

THIS ACTIVITY WHILE PRIMARILY ~~IN PLACE~~ TO SOLVE EXISTING HEALTH AND ENVIRONMENTAL PROBLEMS ALSO SUPPORTS URBAN DEVELOPMENT IN THE PROVINCE AND FACILITATES ECONOMIES OF SCALE.

IN MANY CASES THE MINISTRY ALSO OPERATES THESE FACILITIES ON BEHALF OF THE MUNICIPALITY WHICH THEN PAYS A USER CHARGE.

## RESOURCE RECOVERY

AS WELL, THE MINISTRY IS CONCERNED WITH THE DEVELOPMENT AND IMPLEMENTATION OF A COMPREHENSIVE WASTE MANAGEMENT PROGRAM FOR THE CONSERVATION AND RECOVERY OF RESOURCES.

IT CARRIES OUT RESEARCH INTO WASTE PROCESSING TECHNOLOGY AND MARKETS FOR RECOVERED RESOURCES.

## CONTROL FUNCTION

AS I MENTIONED EARLIER, THE DELIVERY FUNCTION OF THE MINISTRY IS CARRIED OUT THROUGH THE REGIONAL OFFICES WHICH PLAN, DIRECT AND

COORDINATE THE MINISTRY'S PROGRAMS IN THE FIELD.

THEY ARE ALSO RESPONSIBLE FOR MONITORING EMISSIONS AND ENFORCING THE MINISTRY'S STANDARDS AND REGULATIONS.

I WOULD LIKE TO JUST MENTION OUR MINISTRY'S INVOLVEMENT WITH THE FEDERAL DEPARTMENT OF FISHERIES AND THE ENVIRONMENT.

#### THE CANADA-ONTARIO ACCORD

IN 1975, THE GOVERNMENTS OF ONTARIO AND CANADA, RECOGNIZING THAT THE TWO SENIOR LEVELS OF GOVERNMENT HAVE INTERESTS IN THE FIELD OF ENVIRONMENTAL QUALITY AND CONTROL, SIGNED THE CANADA-ONTARIO ACCORD.

THIS WAS DESIGNED TO ESTABLISH A COORDINATED EFFORT IN THE PROTECTION AND ENHANCEMENT OF ENVIRONMENTAL QUALITY.

#### THE FEDERAL EARP PROCESS

AS WELL THE FEDERAL GOVERNMENT ESTABLISHED BY CABINET DIRECTIVE AN ENVIRONMENTAL ASSESSMENT AND REVIEW PROCESS UNDER THE MINISTER OF FISHERIES AND ENVIRONMENT. THIS PROCESS APPLIES TO ANY UNDERTAKING CARRIED OUT BY DEPARTMENTS OR AGENCIES OF THE FEDERAL GOVERNMENT.

THESE UNDERTAKINGS ARE NOT GENERALLY SUBJECT TO PROVINCIAL LEGISLATION.

THE MINISTRY OF THE ENVIRONMENT CO-ORDINATES THE PROVINCIAL INPUT TO THE EARP PROCESS WHEN IT AFFECTS PROJECTS IN ONTARIO.

THE POLAR GAS PROPOSAL WILL BE REVIEWED UNDER <sup>the</sup> THE EARP PROCESS SINCE ALL PIPELINES THAT CROSS PROVINCIAL BOUNDARIES ARE UNDER FEDERAL JURISDICTION.

CONCERNS NORTH OF 50°

HAVING COVERED THE ADMINISTRATIVE ASPECTS OF THE MINISTRY, I WOULD LIKE TO TURN NOW TO WHAT OUR CONCERNS ARE NORTH OF THE 50TH PARALLEL.

THE MINISTRY OF THE ENVIRONMENT'S ROLE IS THE SAME THROUGHOUT THE PROVINCE, HOWEVER, CERTAIN FEATURES OF THE NORTHERN PORTION OF THE PROVINCE RESULT IN SPECIAL EMPHASIS BEING GIVEN TO

<sup>particular</sup> CERTAIN CONCERNS.

THE VASTNESS OF THE NORTH WITH ITS SEEMINGLY ENDLESS RESOURCES APPEARED IN THE PAST TO PROMOTE A PIONEERING OUTLOOK IN WHICH ONLY THE RATE OF EXPLOITATION WAS A CONCERN.

RECENT EVENTS, HOWEVER, HAVE SHOWN THAT ENVIRONMENTAL SAFEGUARDS ARE EQUALLY AS IMPORTANT IN THE NORTH AS IN THE SOUTH.

SOME OF THE FACTORS IN THE NORTH CREATE UNIQUE PROBLEMS. LET ME GIVE A FEW EXAMPLES:



1. THE INCREASED TIME AND COST OF CONSTRUCTION IN THE NORTH DUE TO SEVERE WEATHER CONDITIONS, SHORT FROST-FREE PERIODS, AND THE NATURE OF THE TERRAIN.
2. THE REDUCED BUFFERING CAPACITY OF THE NORTHERN LAKES MAKES *which* THEM PARTICULARLY SUSCEPTIBLE TO ACIDIFICATION.
3. THE DEPENDENCE OF INDUSTRIAL GROWTH ON RESOURCE EXTRACTION WHICH RESULTS IN THE "BOOM/BUST" TYPE OF TOWN DEVELOPMENT.
4. BY THEIR NATURE RESOURCE-BASED INDUSTRIES HAVE WIDE-REACHING ENVIRONMENTAL EFFECTS.
5. THE EFFECTS OF THE CLIMATE AND TERRAIN ON CONSTRUCTION, AVAILABILITY OF SPARE PARTS, AND ABILITY OF THE ENVIRONMENT TO RESPOND TO DISRUPTION.

THE CLIMATIC CONDITIONS IN THE NORTH SHORTEN THE PERIOD OF BIOLOGICAL ACTIVITY WHICH IN TURN LOWERS THE DEGREE OF REGENERATION AS WELL AS ASSIMILATION OF WASTES.

THIS, THEREFORE, REQUIRES A LONGER PERIOD OF TIME FOR THE NATURAL SYSTEMS TO RESPOND TO MAN'S DISTURBANCES.

*in fact*  
I ~~WANT~~ TO JUST MENTION A FEW EXAMPLES IN THE NORTH WHICH POINT OUT THE SERIOUS ENVIRONMENTAL EFFECTS WHICH <sup>CITY</sup> RESULT FROM INADEQUATE ENVIORNMENTAL SAFEGUARDS.

THE FIRST EXAMPLE IS IN THE SUDBURY AREA WHERE SULPHUR DIOXIDE FUMIGATION HAS CAUSED DAMAGE TO THE SURROUNDING VEGETATION AS WELL AS ACIDIFICATION OF LOCAL RECREATION LAKES.

ANOTHER EXAMPLE INVOLVES THE EFFECTS OF THE PULP AND PAPER AND CHLORALKALI PLANT AT DRYDEN ON THE ENGLISH-WABIGOON RIVER SYSTEM AND THE PEOPLE DOWNSTREAM.

FINALLY THERE ARE THE PROBLEMS ASSOCIATED WITH LEACHING FROM GOLD MINE TAILINGS IN SEVERAL LOCATIONS IN THE NORTH.

THESE PROBLEMS ARE WORTHY OF CONCERN AND SIMILAR OCCURENCES MUST BE AVOIDED WHERE POSSIBLE IN THE FUTURE. IT IS NECESSARY THEREFORE TO HAVE ENVIRONMENTAL SAFEGUARDS IN THE NORTH.

THE MINISTRY, HOWEVER, DOES NOT SIMPLY TRANSPOSE SOUTHERN CONCERNS TO NORTHERN SITUATIONS <sup>but</sup> ~~BUT~~ WHERE POSSIBLE GIVES RECOGNITION TO THE REGIONAL DISPARITIES IN ASSESSING REQUIREMENTS.

THE FACT THAT THE MINISTRY'S STANDARDS TAKE INTO ACCOUNT THE ASSIMILATIVE CAPACITY OF RECEIVING WATERS AND ATMOSPHERIC DISPERSION CAPABILITIES PROVIDES AN AUTOMATIC ADJUSTMENT TO LOCAL CONDITIONS.



IN ORDER TO IMPLEMENT PROPER SAFEGUARDS, HOWEVER, IT IS IMPORTANT TO UNDERSTAND WHAT THE EFFECTS ON THE OVERALL ENVIRONMENT WILL BE. THIS MUST BE DONE EARLY IN THE PLANNING STAGES IN ORDER THAT THESE EFFECTS CAN BE ADDRESSED.

THERE WILL ALSO BE A NEED TO MAKE DIFFICULT JUDGEMENTS WHEN SITUATIONS ARE IDENTIFIED WHERE AN ECONOMICALLY ATTRACTIVE DEVELOPMENT MAY JEOPARDIZE THE SURVIVAL OF A PARTICULAR SPECIES OF PLANT OR ANIMAL OR ADVERSELY AFFECT INTANGIBLE VALUES.

SUCH DECISIONS ARE ESPECIALLY DIFFICULT WHEN THE DEVELOPMENT THREATENS A SPECIES OR RESOURCE WHICH HAS NO APPARENT ECONOMIC VALUE. OUR SUBMISSION SUGGESTS SOME OF THE FACTORS WHICH SHOULD BE CONSIDERED IN SUCH DECISIONS.

THE MINISTRY IS CONCERNED ABOUT ALL THESE ASPECTS AND FEELS THAT IT IS IMPORTANT TO BE AWARE OF THE COMPLEXITIES OF THE NORTHERN ENVIRONMENT AND TO HAVE SAFEGUARDS TO PROTECT THAT ENVIRONMENT.

<sup>Public Note</sup>  
I ~~WANT~~ TO TAKE A FEW MINUTES TO DEAL WITH THE EFFECTS ON THE ECONOMY OF ENVIRONMENTAL SAFEGUARDS.

#### ENVIRONMENT AND THE ECONOMY

IN DISCUSSING THE ECONOMIC IMPLICATIONS OF ENVIRONMENTAL STANDARDS IN ONTARIO, WE FEEL THAT THE ARGUMENT THAT ENVIRONMENTAL STANDARDS ARE DRIVING AWAY INVESTMENT IN ONTARIO IS LARGELY UNSUBSTANTIATED.

IN FACT IT APPEARS THAT CANADA'S UNCOMPETITIVENESS IS ATTRIBUTED PRIMARILY TO HIGH WAGE COSTS, PRICE AND WAGE CONTROLS, SMALL MARKETS AND LABOUR UNREST RATHER THAN ENVIRONMENTAL CONTROLS.

AS WELL, ONTARIO IS NOT THE ONLY AREA WITH ENVIRONMENTAL STANDARDS.

OTHER JURISDICTIONS WITH WHICH ONTARIO MUST COMPETE FOR INVESTMENT ARE ALSO CONCERNED WITH PROTECTING THE ENVIRONMENT AND HAVE SIMILAR STANDARDS. IN OUR SUBMISSION WE TALK BRIEFLY ABOUT THE SITUATION IN THE U.S., SWEDEN AND <sup>in</sup> OTHER PROVINCES.

WE FEEL THAT THE DECISION, THEREFORE, TO INVEST IN OR OUTSIDE OF ONTARIO WILL NOT LIKELY BE BASED ON ONTARIO'S ENVIRONMENTAL REQUIREMENTS ALONE.

WHEN TALKING ABOUT THE ECONOMIC EFFECTS ONE MUST ALSO CONSIDER THE NEGATIVE EFFECTS OF POLLUTION.

POLLUTION ITSELF CAUSES MANY TYPES OF DAMAGES, SOME OF WHICH CAN BE MEASURED IN TERMS OF DOLLARS. AN EXAMPLE OF THIS WOULD BE THE COST TO A DOWNSTREAM USER TO TREAT WATER POLLUTED BY A DEVELOPMENT UPSTREAM.

THERE ARE ALSO POLLUTION DAMAGES WHICH ARE INTANGIBLE AND DIFFICULT TO MEASURE, FOR EXAMPLE THE HEALTH EFFECTS.



AS WELL THERE ARE POSITIVE IMPLICATIONS OF POLLUTION ABATEMENT.

1. AN EXAMPLE OF SUCH A BENEFIT IS THE IMPROVED EFFICIENCY OF AN INDUSTRY BY RECYCLING USEABLE BY-PRODUCTS WHICH WERE PREVIOUSLY WASTED,
2. ANOTHER BENEFIT IS THE CREATION OF NEW JOBS ASSOCIATED WITH THE DESIGNING, MANUFACTURING AND INSTALLATION OF POLLUTION ABATEMENT EQUIPMENT.

IT WOULD BE NAIVE OF ME HOWEVER TO SUGGEST THAT THERE ARE NO NEGATIVE ECONOMIC EFFECTS OF POLLUTION CONTROL. POLLUTION ABATEMENT EQUIPMENT DOES COST MONEY AND IT IS POSSIBLE THAT SOME ECONOMICALLY MARGINAL INVESTMENTS MAY BE AFFECTED BECAUSE OF THESE ADDITIONAL COSTS.

THESE COSTS, HOWEVER, DO NOT APPEAR TO HAVE PREVENTED INVESTMENT BY THE TWO MAJOR INDUSTRIES IN NORTHERN ONTARIO TO DATE.  
(FORESTRY AND MINING)

THE SEVEN KRAFT PULPING OPERATIONS IN NORTHWESTERN ONTARIO HAVE COMPLETED OR ARE CARRYING OUT MAJOR MODERNIZATION OR EXPANSION PROGRAMS.

SIMILARLY, NEW MINE/MILL OPERATIONS BUILT OVER THE PAST FEW YEARS INDICATE THAT THIS INDUSTRY CAN FUNCTION WITHIN ONTARIO'S ENVIRONMENTAL FRAMEWORK.

PUBLIC PARTICIPATION AND THE COMMISSION PROCESSES

IN THE COMMISSION'S REQUEST FOR SUBMISSIONS, IT ASKED FOR SUGGESTIONS FOR HANDLING THE HEARING PROCESS.

WE HAVE INCLUDED A CHAPTER IN OUR SUBMISSION DEALING WITH WHAT WE FEEL ARE IMPORTANT FEATURES OF ANY PUBLIC PARTICIPATION PROGRAM.

I WILL TOUCH BRIEFLY ON SOME OF THE MAIN POINTS.

INTEREST GROUPS

THE FIRST IS THE INVOLVEMENT OF INTEREST GROUPS.

WE REGARD THE INPUT OF CITIZEN GROUPS AS A RESOURCE TO BE VALUED AND UTILIZED TO ITS FULLEST POTENTIAL IN THE WORK OF THE COMMISSION.

INFORMATION

ANOTHER POINT AND PROBABLY THE MOST CHALLENGING ASPECT OF THE COMMISSION'S ACTIVITIES AFTER THIS INITIAL ROUND OF MEETINGS WILL BE GENERATING AND SUSTAINING PUBLIC INTEREST AND ENSURING THAT THE COMMISSION HEARS FROM EVERYONE WHO CAN PROVIDE MEANINGFUL INPUT.

THIS WILL INVOLVE AN EFFECTIVE PUBLIC RELATIONS PROGRAM FOR THE DISSEMINATION OF INFORMATION, AND THE CONTINUED EDUCATION OF THE PUBLIC.

### STRUCTURE

THE ACTUAL STRUCTURE OF THE HEARINGS IS IMPORTANT AS WELL. THERE ARE MANY SUBTLE DETAILS WHICH THE COMMISSION MAY WISH TO CONSIDER IN DECIDING WHERE, WHEN AND HOW TO CONDUCT ITS HEARINGS.

AS WELL IT IS IMPORTANT TO STRUCTURE THE HEARINGS TO THE LIFESTYLES OF THE PEOPLE AND COMMUNITIES INVOLVED.

IT IS ALSO IMPORTANT THAT THE FORMAT OF THE HEARINGS DOES NOT INTIMIDATE PEOPLE WHO WISH TO PARTICIPATE. AN ATMOSPHERE THAT INVITES DIALOGUE IS <sup>most</sup> IMPORTANT.

WE HOPE THAT MANY OF THE POINTS DISCUSSED IN THIS CHAPTER OF OUR SUBMISSION WILL ASSIST THE COMMISSION IN ESTABLISHING THE FORMAT OF FUTURE HEARINGS ALTHOUGH WE ARE CERTAIN THAT MANY OF THE POINTS RAISED ARE ALREADY BEING CONSIDERED BY THE COMMISSION.

FINALLY, I WOULD LIKE TO ADDRESS THE ISSUES THAT WE FEEL THE COMMISSION SHOULD FOCUS ON IN THE COURSE OF ITS HEARINGS.



## ISSUES

### INTRODUCTION

RECOGNIZING THE BROAD MANDATE OF THE COMMISSION, IT WILL LIKELY BE NECESSARY TO IDENTIFY PARTICULAR ISSUES TO BE CONCENTRATE ON OVER THE COURSE OF THE NEXT THREE YEARS.

IN ORDER TO ASSIST THE COMMISSION IN DECIDING THE DIRECTION IN WHICH IT SHOULD CONCENTRATE ITS EFFORTS, WE HAVE INCLUDED A CHAPTER DEALING WITH WHAT WE FEEL ARE SOME OF THE MORE IMPORTANT ISSUES THAT THE COMMISSION SHOULD ADDRESS.

### DESIRES OF THE LOCAL PEOPLE

THE FIRST AREA OF CONCERN IS UNDERSTANDING THE DESIRES OF THE LOCAL PEOPLE IN ORDER TO ADDRESS THE SOCIAL AND CULTURAL IMPLICATIONS OF DEVELOPMENT, <sup>AN APPRECIATION OF</sup> ~~IT IS NECESSARY TO UNDERSTAND THEIR~~ <sup>AND</sup> ~~ASPIRATIONS OF THESE PEOPLE AND THEIR WAY OF LIFE,~~ <sup>IS ALSO REQUIRED</sup>

IT IS OUR HOPE THAT THE COMMISSION CAN MAKE RECOMMENDATIONS AS TO HOW PLANNERS OF PROJECTS IN THE NORTH SHOULD TAKE INTO ACCOUNT THE WISHES OF THE PEOPLE AFFECTED.

IT IS ALSO HOPED THAT THE COMMISSION COULD ADDRESS THE QUESTION OF NATIVE RIGHTS AND CLAIMS AND THEIR RELATIONSHIP TO DEVELOPMENT AND PROVIDE SOME INSIGHT AND AT LEAST PARTIAL SOLUTIONS TO CONFLICTS ARISING OUT OF THIS AREA.

### NORTHERN ECONOMIES

THE ECONOMY OF THE NORTH IS ANOTHER ISSUE OF PARTICULAR CONCERN. THE COMMISSION MIGHT WISH TO INVESTIGATE THE NATURE OF THE ECONOMY OF THE NORTH AND CONSIDER ALTERNATIVE WAYS OF RESOLVING THE PROBLEMS RELATED TO IT.

THE SOLUTIONS MIGHT LIE IN BRINGING IN SECONDARY INDUSTRIES, STRETCHING OUT THE LIFETIME OF <sup>the</sup> INDUSTRY BASED ON NON-RENEWABLE RESOURCES OR IN TRAINING THE LOCAL PEOPLE FOR THE JOBS THAT ARE AVAILABLE IN AN EFFORT TO DECREASE RELIANCE ON TRANSIENT LABOUR.

### CO-ORDINATED PLANNING

THE NORTH IS PARTICULARLY SENSITIVE TO SUDDEN CHANGE. THE RECOVERY FROM SOCIAL OR ECONOMIC CHANGES AS WELL AS CHANGES TO THE NATURAL ENVIRONMENT IS SLOW.

IT IS IMPORTANT THEREFORE TO HAVE A COMPREHENSIVE PLANNING FRAMEWORK IN ORDER THAT EFFECTS CAN BE PREDICTED AND MITIGATED. WE FEEL THAT THE ENVIRONMENTAL ASSESSMENT ACT WILL HELP TO IMPROVE THE PLANNING OF PROJECTS IN THE NORTH. HOWEVER, THE ACT FUNCTIONS BEST WITHIN A PLANNING FRAMEWORK WHERE THE BROADER POLICY OUTLINES EXIST.

THE MINISTRY OF TREASURY, ECONOMICS, AND INTERGOVERNMENTAL AFFAIRS IS CO-ORDINATING THE PREPARATION OF THE NORTHWESTERN ONTARIO DEVELOPMENT STRATEGY.

THIS STRATEGY REPRESENTS THE COMBINED EVALUATION OF ALL MINISTRIES' PROPOSALS REGARDING THE ECONOMIC AND SOCIAL DEVELOPMENT OF NORTHWESTERN ONTARIO.

IT IS, HOWEVER, A GENERAL DISCUSSION OF POLICY AND DOES NOT PROVIDE THE PLANNING FRAMEWORK REQUIRED.

THE COMMISSION SHOULD CONSIDER HOW THESE STRATEGIES AFFECT THE NORTH AND RECOMMEND THEIR IMPLEMENTATION OR ALTERATION AS DEEMED NECESSARY.

AT THE SAME TIME, THE COMMISSION COULD MAKE RECOMMENDATIONS AS TO HOW THE ENVIRONMENTAL ASSESSMENT ACT SHOULD BE APPLIED TO PRIVATE UNDERTAKINGS IN THE NORTH.

ANOTHER POINT THAT I WOULD LIKE TO MAKE <sup>concern</sup> /RELATED TO THIS PLANNING TOPIC CONCERNS THE LACK OF INDUSTRIAL TAX BASE FOR SMALL COMMUNITIES, BOTH ORGANIZED AND UNORGANIZED, IN THE NORTH.

THIS MAKES IT DIFFICULT TO FUND THE NECESSARY SERVICES REQUIRED BY THE COMMUNITIES.

THE COMMISSION MAY THEREFORE WISH TO INVESTIGATE THIS CONCERN AND WHERE POSSIBLE MAKE RECOMMENDATIONS TO IMPROVE THE EXISTING SITUATION.



ENVIRONMENTAL IMPLICATIONS

ANOTHER ISSUE WORTHY OF CONSIDERATION IS THE DEGREE OF ENVIRONMENTAL PROTECTION REQUIRED IN THE NORTH. IN OUR PREVIOUS DISCUSSION ON THE NEED FOR ENVIRONMENTAL SAFEGUARDS IN THE NORTH, WE HAVE EXPRESSED OUR FEELING THAT THERE IS A DEFINITE NEED TO CONSIDER THE EFFECTS OF DEVELOPMENT ON THE NORTHERN ENVIRONMENT.

THE DEGREE OF PROTECTION OF THE ENVIRONMENT, HOWEVER, CAN RANGE FROM A RECOGNITION AND UTILIZATION OF THE ENVIRONMENT'S NATURAL REGENERATIVE AND ASSIMILATIVE CAPACITIES TO A REQUIREMENT THAT ALL MAN'S ACTIVITIES BE MATCHED BY THE BEST PRACTICAL OR BEST AVAILABLE TECHNOLOGY.

IT IS OUR HOPE THAT THE COMMISSION COULD SHED SOME LIGHT ON THE EXPECTATIONS OF ALL SEGMENTS OF THE POPULATION REGARDING THE DEGREE OF ENVIRONMENTAL SAFEGUARDS DESIRED.

THERE HAS ALSO BEEN DISCUSSION LATELY ABOUT WHO HAS THE RESPONSIBILITY FOR MANAGING THESE RESOURCES WITH PARTICULAR EMPHASIS BEING PLACED ON THE FOREST INDUSTRY.

IT IS IMPORTANT TO MANAGE RENEWABLE RESOURCES IN ORDER THAT THEY MAY CONTRIBUTE TO THE NEEDS OF THE PEOPLE ON A CONTINUOUS BASIS.

WE FEEL THAT IT WOULD BE USEFUL FOR THE COMMISSION TO INVESTIGATE THE MANAGEMENT OF RESOURCES AND MAKE RECOMMENDATIONS REGARDING THE IMPROVEMENT OF EXISTING PRACTICES.

## TRANSPORTATION AND COMMUNICATIONS

I UNDERSTAND THAT THE COMMISSION HAS ALREADY BEEN INTRODUCED TO SOME OF THE PROBLEMS OF TRANSPORTATION IN THE NORTH.

THE LARGE TRANSPORTATION DISTANCES ADD SIGNIFICANTLY TO THE COST OF PRODUCTS FOR THE NORTHERN PEOPLE. THIS IS ESPECIALLY TRUE IN AREAS WHERE THERE IS NOT A WELL DEVELOPED TRANSPORTATION NETWORK.

THESE LARGE DISTANCES ALSO PROVIDE COMMUNICATION BARRIERS.

IT IS OUR HOPE THAT THE COMMISSION COULD GIVE SOME THOUGHT TO THE NEEDS OF THE VARIOUS COMMUNITIES AND MAKE RECOMMENDATIONS REGARDING THE EXPANSION OF TRANSPORTATION AND COMMUNICATION NETWORKS IN NORTHERN ONTARIO AS THESE ARE GENERALLY CLOSELY ALLIED WITH DEVELOPMENT.

IN ASSESSING THESE SYSTEMS THE COMMISSION SHOULD CONSIDER THE NEGATIVE AS WELL AS POSITIVE EFFECTS OF EXPANDING THE NETWORKS.

## DECOMMISSIONING PROJECTS

UP TO NOW WE HAVE BEEN CONCENTRATING ON THE PLANNING AND CONSTRUCTION OF UNDERTAKINGS BUT WE SHOULD NOT LOSE SIGHT OF THE PROBLEMS ASSOCIATED WITH PROJECTS THAT HAVE BEEN ABANDONED.

IF NOT PROPERLY REHABILITATED, AN ABANDONED PROJECT CAN CONTINUE TO POLLUTE THE ENVIRONMENT FOR YEARS. AN EXAMPLE OF THIS IS

RUNOFF WATER FROM MINE TAILINGS.

THE DECOMMISSIONING OF PROJECTS HAVE IMPLICATIONS FOR ALL ASPECTS OF THE ENVIRONMENT INCLUDING THE TOWNS WITH WHICH THEY ARE ASSOCIATED.

THE COMMISSION MAY WISH TO EVALUATE AND MAKE RECOMMENDATIONS ON THE MECHANISMS FOR HANDLING ABANDONED OPERATIONS, PARTICULARLY WHERE TOWN SITES EXIST.

#### DATA BASE

WE HAVE DISCUSSED TRANSPORTATION AND COMMUNICATION BARRIERS EARLIER. THERE MAY BE AN INFORMATION BARRIER AS WELL.

IT IS EVIDENT THAT IN ORDER TO MAKE INFORMED DECISIONS ON NORTHERN DEVELOPMENT A CERTAIN LEVEL OF DETAIL MUST BE AVAILABLE TO THE DECISION-MAKERS.

THE COMMISSION MAY WISH TO <sup>additionally</sup> ~~ASSESS~~ THE AMOUNT OF DATA PRESENTLY AVAILABLE OR PRESENTLY BEING COMPILED AND MAKE RECOMMENDATIONS AS TO THE ADEQUACY OF THIS INFORMATION AND THE MEANS OF MAKING IT AVAILABLE TO ALL WHO NEED IT.

#### WILDERNESS

ANOTHER ISSUE THAT CARRIES WITH IT A LOT OF EMOTION AND AMPLIFIES THE DIFFERENT SCHOOLS OF THOUGHT BETWEEN THE NORTH AND SOUTH IS THAT OF WILDERNESS.



THE PORTION OF ONTARIO NORTH OF THE 50TH PARALLEL CONTAINS LARGE AREAS OF LAND THAT HAVE NOT YET BEEN COMMITTED TO A PARTICULAR USE.

THERE ARE THOSE <sup>WHO</sup><sub>A</sub> WISH TO MAINTAIN AREAS WITHIN ONTARIO AS WILDERNESS.

THE COMMISSION MAY WISH TO CONSIDER THIS CONCERN FOR WILDERNESS AREAS AND MAKE RECOMMENDATIONS AS TO THE EXTENT OF WILDERNESS WHICH SHOULD BE RESERVED.

#### THE REED PROPOSAL

FINALLY, I WOULD LIKE TO EXPLAIN THE STATUS OF THE REED PROPOSAL TO LOCATE A NEW WOOD-USING COMPLEX IN THE RED LAKE/EAR FALLS AREA AND TO SUPPLY IT FROM NEW WOOD LIMITS NORTH OF THE 51ST PARALLEL.

THIS PROPOSAL HAS BEEN DESIGNATED UNDER THE ENVIRONMENTAL ASSESSMENT ACT AND THEREFORE CANNOT PROCEED UNTIL AN ENVIRONMENTAL ASSESSMENT HAS BEEN APPROVED BY THE GOVERNMENT.

AS WELL, THE ACTIVITY OF IMPLEMENTING FOREST MANAGEMENT PLANS ON PUBLIC LANDS AFTER JULY 1, 1978 BY THE MINISTRY OF NATURAL RESOURCES IS ALSO SUBJECT TO THE ACT AND CANNOT PROCEED UNTIL AN APPROVAL HAS BEEN RECEIVED UNDER THE ENVIRONMENTAL ASSESSMENT ACT.

IT IS OUR UNDERSTANDING THAT THE MINISTRY OF NATURAL RESOURCES EXPECTS THAT AN APPROVAL RESULTING FROM THE FOREST MANAGEMENT ENVIRONMENTAL ASSESSMENT WILL PROVIDE A FRAMEWORK GOVERNING REED'S FOREST MANAGEMENT AND OPERATING PLANS.

THE MINISTRY OF NATURAL RESOURCES PLANS TO SUBMIT ITS FOREST MANAGEMENT ENVIRONMENTAL ASSESSMENT FOR REVIEW BY THE END OF 1977.

IT WILL ALSO BE NECESSARY FOR THE MINISTRY OF NATURAL RESOURCES TO ADDRESS THE BROADER LAND USE PLANNING CONSIDERATIONS FOR THIS AREA AND IT IS EXPECTED THAT MNR WILL DO THIS THROUGH ITS WEST PATRICIA LAND USE PLAN.

AS IT APPEARS NOW, THE ORDER FOR SUBMISSION OF DOCUMENTS UNDER THE ENVIRONMENTAL ASSESSMENT ACT RELATED TO THE REED PROPOSAL IS AS FOLLOWS:

1. MNR'S FOREST MANAGEMENT ENVIRONMENTAL ASSESSMENT ~~will~~ BE SUBMITTED LATER THIS YEAR,
2. THE SUBMISSION OF REED'S E.A. ON THE MILL COMPLEX AND WOODS OPERATION IS EXPECTED AROUND MID-1979 AT THE EARLIEST.
3. IT IS EXPECTED THAT THE ENVIRONMENTAL ASSESSMENT ON THE WEST PATRICIA LAND USE PLAN WILL BE SUBMITTED IN 1980.

THE COMMISSION MAY WISH TO ADVISE THE GOVERNMENT BY INTERIM REPORTS ON HOW THESE ENVIRONMENTAL ASSESSMENTS SHOULD INTERACT AND WHETHER ANY OR ALL SHOULD BE DEFERRED PENDING FURTHER REPORTS FROM THE COMMISSION.

A POINT THAT WE WOULD LIKE TO MAKE IN ORDER TO CLEAR UP ANY POSSIBLE MISUNDERSTANDING IS THAT THE ENVIRONMENTAL ASSESSMENT ACT TAKES PRECEDENCE OVER THE MEMORANDUM OF UNDERSTANDING BETWEEN THE PROVINCE AND REED LTD.

SECTION 6(1) OF THE E.A. ACT PROVIDES THAT LICENSES REQUIRED FOR AN UNDERTAKING SUBJECT TO THE ENVIRONMENTAL ASSESSMENT ACT CANNOT BE ISSUED BEFORE THE PROPONENT OBTAINS AN APPROVAL UNDER THE ACT.

THIS THEREFORE PROHIBITS THE GRANTING OF A LICENSE TO REED FOR ANY HARVESTING OF TIMBER ON THE TRACT OF LAND IN QUESTION PRIOR TO THE GRANTING OF APPROVAL TO DO SO UNDER THE ENVIRONMENTAL ASSESSMENT ACT.

#### CONCLUSION

IN CONCLUSION I WOULD LIKE TO SAY THAT IT IS THE INTENTION OF THE MINISTRY OF THE ENVIRONMENT TO PLAY AN ACTIVE ROLE IN THE PROCEEDINGS OF THE COMMISSION AND TO ASSIST THE COMMISSION WHEREVER POSSIBLE TO ACHIEVE ITS GOALS.



IF THERE ARE ANY QUESTIONS REGARDING OUR SUBMISSION OR ON  
ANYTHING THAT I HAVE MENTIONED HERE TODAY, WE WOULD BE PLEASED  
TO ANSWER THEM FOR YOU.

THANK YOU.



No. 59

Royal Commission on the  
Northern Environment

This exhibit is produced by

*Ministry of the Environment*

SUBMISSION TO

this 14 day of Nov 1977

*Squaw*

# THE ROYAL COMMISSION ON THE NORTHERN ENVIRONMENT

## PUBLIC INFORMATION HEARINGS

November 1977



Ontario

Ministry  
of the  
Environment

The Honourable  
George A. Kerr, Q.C.,  
Minister

K.H. Sharpe,  
Deputy Minister





SUBMISSION TO

THE ROYAL COMMISSION ON  
THE NORTHERN ENVIRONMENT

PUBLIC INFORMATION  
HEARINGS

THE MINISTRY OF THE ENVIRONMENT  
NOVEMBER 1977



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## INTRODUCTION

This submission to The Royal Commission on the Northern Environment has been prepared in a hope of helping the Commission and the public to understand the role of the Ministry of the Environment as it relates to the area north of the 50<sup>0</sup> parallel of Ontario and the Commission's terms of reference.

It is important to understand that in matters relating to The Environmental Protection Act, 1971 the definition of environment is limited to air, land and water, however, The Environmental Assessment Act, 1975 expanded the definition to include social and economic components. (See Appendix 4)

In the first section on the Role of the Ministry we have attempted to provide a comprehensive overview of the Ministry's structure and function and outline how it interacts with industries, municipalities, other provincial agencies and the public. Included are the various approvals functions of the Ministry and the standards applicable to Ontario.

This is followed by a section on the enabling legislation under which the Ministry operates. An effort has been made to provide a comprehensive discussion of The Environmental Assessment Act, 1975 since it is specifically mentioned in the terms of reference of the Commission and we also feel that it provides a new planning tool which may prove very useful in the evaluation of major northern development proposals.

The third section addresses MOE's concerns north of the 50th parallel. It points out that the Ministry's mandate applies to the province as a whole and for the most part there is little need to differentiate between north and south. However certain considerations are addressed which are unique or particularly pertinent to the north such as climate, environmental sensitivity, travel distances, project magnitude, native concerns, and economic instability.

Following this is a discussion of the Canada-Ontario Accord under which the Ministry has agreed to work with the Federal Government in a co-ordinated effort to protect and enhance environmental quality. We have attempted to present the significance of the agreement to the Ministry, the Province and particularly the area under the Commission's mandate. Finally this section presents an overview of the Federal Environmental Assessment Review Process with specific reference to the Polar Gas proposal.

At this point our submission changes its emphasis from the specifics of the Ministry's activities to some philosophical questions related to the Ministry's programs.

The fifth section addresses the need for environmental safeguards in the vast, relatively unspoiled area in the north. Presented are some examples of problems in the past along with some discussions of environmental sensitivities peculiar to the north. The latter part of this section includes a discussion

of the need to consider non-resource or intangible components of the environment when making planning decisions. There is reference made to endangered species which, although mandated to the Ministry of Natural Resources by The Endangered Species Act, are still of concern to the MOE by nature of them being components of the environment. As well this section shows that there are economic, and social rationales for protecting non-resource species and preserving intangible values.

The sixth section is an examination of the economic implications of environmental standards in Ontario. The basic thesis presented is that the theory of environmental standards driving away investment is not well founded. As a counter-argument some economic implications of pollution are presented. As well it is pointed out that environmental safeguards can have positive effects on the economy. There has also been an effort to show that competing jurisdictions have similar environmental standards and that decisions not to invest in Ontario are likely based on factors other than this Province's environmental requirements.

The next chapter presents some recommendations as to how the Commission could operate. We have based these recommendations on experiences, problems and successes of other public hearings.

Finally within the main text of our submission we have highlighted some of the issues that the Commission may wish to

address. We have not attempted to confine these suggestions to the Ministry's mandate as the Commission must necessarily focus on those issues most critical to the interests to the people of Ontario - issues that do not conform to bureaucratic boundaries.

The remainder of our submission consists of appendices, the functions of which are to supplement the main text and provide a basic reference package for the Commission and the public.

It is this Ministry's intention to play an active role in the proceedings of the Commission and to assist the Commission wherever possible to achieve its goals. It is in this spirit that we respectfully present this, the Ministry of the Environment's initial submission.



## CHAPTER 1

### ROLE OF THE MINISTRY OF THE ENVIRONMENT



## THE ROLE OF THE MINISTRY:

### A. Introduction

The Ontario Ministry of the Environment's role in this province is the overall protection of the environment to prevent degradation by man's activities.

To achieve this goal, four objectives have been set: control over contaminant emission; establishment of environmental safeguards in planning; improved management of waste and water; and maintenance of restorative and enhancement measures.

The activities of the Ministry of the Environment are largely governed by legislation which specifies what this Ministry may do in order to obtain satisfactory environmental quality. The Ministry of the Environment administers the following statutes:

The Environmental Protection Act, 1971 (Appendix 1)

The Ontario Water Resources Act (Appendix 2)

The Pesticides Act, 1973 (Appendix 3)

The Environmental Assessment Act, 1975 (Appendix 4)

The air contaminant standards and ambient air quality criteria are established by Regulations passed under The Environmental Protection Act, 1971 (See Chapter 2B).

Provisions for the management of water quality are contained in a policy document entitled, "Guidelines and Criteria for Water Quality Management in Ontario". (Appendix 5)

The Ministry, through the Federal-Provincial Accord, also administers regulations and guidelines developed under Federal environmental legislation (See Chapter 4).

In accordance with a comprehensive environmental management approach, the Ministry's familiar role in enforcing standards and objectives to protect the environment, and in building sewer and water systems, has been set within a broader environmental and planning context. The Ministry's traditional role of environmental management and protection has had increasing emphasis placed on the preventative aspects in recent years, and this preventative function has been enhanced by the passing of The Environmental Assessment Act, 1975.

#### B. Programs

The Ministry accomplishes its objectives through central functions, located in Toronto and through a Regional Operations Division. The central function is responsible for policy and procedure development, technical specialization and consultation, assessment and approval functions and a comprehensive laboratory service. The Ministry's Regional Operations Division, consisting of six regional offices and 23 district offices, is responsible in the field for program delivery across the province. Appendix 8 contains a map of the regional boundaries.

The Ministry has established four broad Programs, of which three are relevant to the Royal Commission on Northern Environment.

1. Environmental Assessment and Planning Program

This program assesses the current and potential effects of various pollutants (including noise), develops environmental standards or criteria and ensures that environmental safeguards are incorporated into land use policies. Applied research in the areas of water and waste water treatment is undertaken. The administration of The Environmental Assessment Act, 1975, is included in this program.

To ensure that the environmental aspects of various land use planning matters are considered before decisions are made, the Ministry reviews and comments on those matters referred to it, under Sections 14(1) and 33(4) of The Planning Act, by the Ministry of Housing or the Regional Municipalities to which subdivision approval powers have been delegated.

2. Environmental Control Program

This program determines whether all contaminants, emitted into the environment are within Ministry standards or criteria by:

- 1) on-site surveillance and inspection;
- 2) the implementation of new abatement programs;
- 3) the issuing of control orders and the undertaking of



prosecutions; and,

4) the investigation of complaints.

This program also provides for the development and management of sewage and water treatment plants, as well as the development of methods to be used for sewage and water treatment and of analytical methods for measuring existing and newly emerging pollutants.

Improvement of municipal solid waste management systems and the control of contamination from landfill sites come under this program.

Certain responsibilities under this program are delegated to Provincial Health Units.

### 3. Resource Recovery Program

This program involves the development of a Provincial policy for the recovery and utilization of the components of solid waste. It also aims at the development of specialized techniques for the restoration and enhancement of environmental quality by recycling materials.

Within these three programs are a number of activities or sub-programs which can be divided into five broad categories:

- 1: Prevention of Environmental Damage (Approvals and Licensing Permits).
- 2: Support (Criteria, Guidelines, Standards, Research, advice).

- 3: Utility (Sewage, Water)
- 4: Waste Management.
- 5: Control (Surveillance, Control Orders, Abatement Monitoring).

## C. Functions

### 1. The Approvals Function

In order to ensure that proposed planning programs, projects, policies and legislation in Ontario incorporate the necessary safeguards, there are a series of approvals required under the four Acts administered by the Ministry of the Environment.

Table I outlines the type of activity for which an approval or licence is required and the area of the Ministry that is responsible for issuing it. Some areas (e.g. sewage works) are shown to require approvals from several sections. In actual fact only one approval is required and the section responsible for it depends upon the nature of the proposal.

### 2. The Support Function

The approvals activities of the Ministry and, particular, those of the Environmental Approvals Branch, require technical support, which is supplied by other Branches such as the Air Resources, Water Resources, and Pollution Control Branches, as well as by the Regional Offices.

Table 1

A P P R O V A L S M A T R I X

BRANCH/SECTION	Environmental Approvals Branch *Environmental Assessment Section Industrial Approvals Section Municipal & Private Approvals Section	Project Co-ordination Branch Design & Equipment Selection Section	Pollution Control Branch Pesticides Control Section	** Regional Operations	Water Resources Branch Hydrology & Monitoring Section	Approval to proceed with an undertaking.
	X					Acceptance of the environmental assessment.
	X	X	X			Approval for Water Works
	X	X	X			Approval for Sewage Works
		X				Approval for Waste Disposal Sites & Waste Management Systems
		X				Licences for installers of septic tanks, tile fields & haulers of sewage
	X					Approval covering facilities for the collection, transportation, treatment & disposal of industrial wastes.
	X	X	X			Approval covering construction and operation of any Stationary facility or thing which may emit contaminants into the air.
	X					Approval covering industrial applications for land disposal sites & Waste Management Systems
			X			Permits for Pesticides Control
			X			Licences for Pesticides Control
			X			Permit for Aquatic Nuisance Control
				X		Approval for the construction (& alteration) of Private Sewage Disposal Systems
				X		Permits to take Water
					X	Licence for Water Well Drillers and Borers
	<p>*Actual approvals are issued either by the Minister of the Environment or by the Environmental Assessment Board.</p> <p>**Approval for the construction of private sewage disposal systems are issued either by the MOE Regional Office or the Local Health Unit (depends on the local agreements).</p>					

These Branches assess the effects of pollutants (including noise) and develop standards, criteria and guidelines for air and water quality which, along with practical expertise and research, provide support for the approvals activity.

### 3. Utility Function

This activity provides assistance where needed to Municipalities to meet the requirements of The Environmental Protection Act and The Ontario Water Resources Act for construction of water and sewage works. The activity supports urban development in the Province and facilitates economies of scale.

Projects carried out by the Ministry are of two types - Municipal and Provincial. In the former the Ministry provides financing for a maximum term of 30 years with ownership reverting to the Municipality upon repayment. Under the Provincial type program, the Province retains ownership of the works as provincial assets and costs are recovered on the basis of water or sewage service rates.

The Project Co-ordination Branch co-ordinates the planning and constructing of these facilities in consultation with the other branches and regions of the Ministry. All projects of this type unless specifically exempted by order-in-council are subject to the provisions of The Environmental Assessment Act.

The order of priority for the initiating or undertaking of sewage treatment and/or water supply projects by the Ministry are: the removal of health hazards, environmental protection, community enhancement. However, in order to allow for the continuity of projects and recognition of Provincial government objectives, there is flexibility in the application of this policy.

#### 4. Waste Management Function

This activity is concerned with the development and implementation of a comprehensive waste management program for the conservation and recovery of resources.

The Resource Recovery Branch carries out research into waste processing technology and markets for recovered resources. It also provides technical assistance on matters relating to waste processing, resource recovery and usage, marketing and market development.

#### 5. Control Function

The Regional Offices of the Ministry plan, direct and co-ordinate the delivery of the Ministry's programs in the field. This involves working with private, municipal and industrial agencies, and with the public to achieve the Ministry's objectives for environmental control.

The portion of Ontario north of the 50th degree parallel lies within two of the Ministry's regions. These are the



Northeastern and the Northwestern Regions with the majority of the area and activity being in the later.

The Northwestern Regional office is in Thunder Bay with District Offices in Thunder Bay and Kenora.

The Northeastern Regional office is in Sudbury with District Offices in Sudbury, Timmins, Sault Ste. Marie, North Bay and Parry Sound.

The environmental functions in the Regional Offices are carried out by four sections: Municipal and Private Abatement, Industrial Abatement, Technical Support and Laboratory Services, and Utility Operations.

a) Municipal and Private Abatement:

The Municipal and Private Abatement Section concerns itself with the development of water and sewage schemes and solid waste disposal sites in the region. It advises on the operation of municipal or other communal water and sewage plants and arranges to monitor the quality of the waste discharges to watercourses and the quality of drinking water being distributed to the public. This section also reviews plans which are prepared by municipalities or private developers to expand the above-mentioned facilities or create new ones. It also provides comments on the expansion of municipal developments or establishment of new townsites so that environmental problems are avoided. The Ministry's involvement in the planning and creation of the new communities, completely serviced with water and sewage facilities, is an example of this activity.

The Section also conducts pollution surveys, investigates complaints, and requires that remedial programs are undertaken where necessary. These programs are supported where necessary by the issue of Control Orders, and in some cases by prosecutions under the terms of the legislation. This Section also controls the use of pesticides through licensing, issuing of permits, and regular inspection of vendor premises and spray operations. Solid waste disposal sites, their development and operation, also come under the scrutiny of this Section.

b) Industrial Abatement:

The Industrial Abatement Section's activities are similar throughout the Province. These activities include identifying sources of industrial pollution and determining the characteristics and concentrations of known and potential environmental contaminants including emissions to the air, waters and land. A major activity for new and existing industrial sources is establishing suitable pollution control facilities to ensure that harmful effects do not occur, or in the latter case, are reduced to acceptable levels. In addition, the activities include investigating complaints of industrial pollution and spillage of hazardous chemicals and other industrial wastes and insuring that corrective measures are taken by those responsible. Legal activities such as the issuing of orders and prosecutions are also undertaken by this Section when required.

c) Technical Support and Laboratory Services:

The Technical Support Section maintains monitoring programs on selected watercourses which receive either municipal or

industrial wastes, or in areas where baseline data is required in advance of proposed development. Programs are also carried out to monitor and establish groundwater capabilities in some areas.

The Section also maintains a monitoring network for air pollutants. Instrumentation to measure contaminants such as dustfall, suspended particulate, sulphur dioxide and hydrogen sulphide are located throughout the north. In addition, phytotoxicology studies and snow sampling programmes are undertaken to identify the effects of air pollutants in support of the monitoring programme.

The Technical Support Section coordinates comments prepared for other Ministries on development proposed in the area when it may affect the quality of the environment. This role includes the review of all plans for the installation and operation of communal water and sewage systems, waste disposal sites, subdivisions, and any developments which may or will emit or discharge contaminants to the environment (gaseous, liquid or solid). A regional laboratory, located in Thunder Bay and administered in the Technical Support program, provides analytic facilities to serve regional staff, municipalities and Ministry programs involving the public in Northern Ontario.

d) Utility Operations:

The Regional Offices also have a Utility Operations Section which provides water and sewage services to residents of the area. This section administers the operation of water and sewage plants through a regional staff of engineers, maintenance personnel and plant operating personnel.



A. The Environmental Assessment Act

The Environmental Assessment Act was approved by the Legislature and received Royal Assent in July, 1975. The intention of the Act, as outlined in the Green Paper on Environmental Assessment is:

- to identify and evaluate all potentially significant environmental effects of proposed undertakings at a stage when alternative solutions, including remedial measures and the alternative of not proceeding, are available to decision-makers.
- to ensure that the proponent of an undertaking and governments and agencies required to approve the undertaking give due consideration to the means of avoiding or mitigating any adverse environmental effects prior to granting any approval to proceed with an undertaking.

The Act is being implemented on a phased basis, starting first with undertakings of the Ontario Government's ministries and agencies, then extending to municipalities and Conservation Authorities, and in the third phase covering major activities in the private sector.

The Act was proclaimed in force for the public sector in October, 1976. Conservation Authorities and municipalities were temporarily exempted at that time. However, a regulation bringing Conservation Authorities under the Act was approved in September, 1977 and indications are that municipalities will be regulated in 1978. While it is the intention of the Government to extend the Act generally to major undertakings in the private sector only after experience has been gained with public activities, the Premier has indicated that individual private undertakings of particular significance may be regulated where it is in the public interest to do so. Accordingly, the sections



allowing the Act to be applied to the private sector where proclaimed in force in January, 1977. To date, the Reed Paper proposal in northwestern Ontario and Inco's proposed hydro-electric generating station on the Spanish River are the only private undertakings designated under these provisions.

The mechanisms for applying the Act are determined by Sections 3, 30, and 41. The essence of these provisions may be summarized in two statements:

- for the public sector all undertakings are subject to the Act unless exempted by order or by regulation;
- for the private sector, undertakings are subject to the Act only when they have been defined and designated by regulations.

A proponent of an undertaking subject to the Act is prohibited from proceeding with the undertaking or obtaining any approvals or financing required for the undertaking until the proponent has prepared and submitted an environmental assessment to the Minister of the Environment and the environmental assessment has been accepted and an approval given to proceed with the undertaking under the provisions of the Act.

An environmental assessment is essentially a documentation of the decision process followed by the proponent in arriving at the proposed undertaking. The environmental assessment must contain a full evaluation of the environmental, social, cultural, technical and economic effects of the proposed undertaking and its alternatives. The document does not focus only on natural environment questions, as it is intended to provide a basis for an overall Government decision on whether the under-

taking should be allowed to proceed.

Once the environmental assessment is submitted, the Ministry of the Environment coordinates a Government review of the document. This review involves all Ministries and agencies with a mandate or interest pertaining to the undertaking.

The environmental assessment and the Government review are made public and the Act provides for public submissions on these documents to the Minister of the Environment. The public may also give the Minister notice requiring a hearing to be held.

If a hearing is required, the acceptance of the environmental assessment and approval of the undertaking are decisions made by the Environmental Assessment Board established under the Act. The Provincial Cabinet may vary the decision of the Board, substitute its own decision, or require a new hearing to be held.

If no hearing is required, the Minister of the Environment decides upon the acceptability of the environmental assessment and the Cabinet determines whether the undertaking should be allowed to proceed.

All important notices and documents under the Act are given to interested members of the public and are included in a record maintained by the Ministry which is open for public inspection.

The Environmental Assessment Act is an important new planning and decision-making tool. It is particularly relevant to

the terms of reference of the Commission as it provides a method which may be used in the future to assess, evaluate and make decisions concerning the effects on the environment (as defined in the Commission's terms of reference) of proposed major public and private undertakings in the north. For this reason, a more comprehensive discussion of The Environmental Assessment Act is provided in Appendix No. 4.

B. The Environmental Protection Act, 1971

The Environmental Protection Act is the legislation which enables the Ministry to regulate the emission of contaminants to the environment.

Section 8 requires a certificate of approval to be obtained from the Director before any person may construct any plant, equipment etc. which "may emit or discharge a contaminant into the environment excluding water". (Emissions to water require approval under The Ontario Water Resources Act). This however does not preclude the issuance of a control or stop order at some later date if the Director feels that further controls are necessary.

Section 30 of Part V of the Act requires a certificate of approval for any waste management systems and waste disposal sites.

Public hearings are required for the establishment or expansion of a waste disposal site being used for the disposal of specified waste (Section 33a) except in emergency situations (section 33b).

A certificate of approval under Section 57 is required for the construction, installation, establishment, extension or alteration of a private sewage system. This approval is issued by the Director or by the local Health Unit where such responsibility has been delegated.

Section 59a requires that before a sewage system is used or operated a permit for its use and operation must be issued by the Director, and Section 61 requires anyone engaged in the business of constructing or maintaining sewage systems or handling sewage from the systems to be licensed.

There are several regulations which have been passed pursuant to Section 94 of The Environmental Protection Act. A partial list includes:

1. O. Reg. 11/70 - establishes air emission standards for Ferrous Foundries.
2. O. Reg. 229/74 - establishes standards for the construction, maintenance and operation of a sewage system as well as the licensing procedures required under Section 61 of the Act.
3. O. Reg. 824/70 - establishes the standards for waste disposal sites and waste management systems.
4. O. Reg. 926/76 - establishes requirements for the storage and handling of liquid industrial wastes.
5. O. Reg. 15/70 - as amended by O. Reg. 873/74 and 271/77, and O.Reg. 872/74 as amended by O.Reg. 158/75. These regulations establish air contaminant standards and ambient air quality criteria respectively for the Province of Ontario.
6. O. Reg. 183/72 - establishes standards for asphalt plants.

This list does not include all the regulations pertaining to the north but does include those of most relevance to the Commission.



C. The Ontario Water Resources Act

This Act also has provisions for approvals and permits. It regulates the pollution of Ontario surface and ground water, and the taking of water.

Section 31 of the Act gives the Minister power to supervise surface and ground waters, and to examine these waters where there is a possibility of pollution.

Section 37 states that no person shall take more than 10,000 gallons of water per day without a permit from the Director.

Section 40 requires the person carrying on a business of boring or drilling wells, to obtain a license from the Director.

Sections 41 and 42 of the Act require that anyone contemplating a water works or a sewage works submit the plans and specifications to the Director and obtain a certificate of approval before proceeding. Where a sewage works crosses municipal boundaries or is in an unorganized municipality a public hearing is mandatory under section 43.

D. The Pesticides Act, 1973

The purpose of The Pesticides Act, 1973 is to control the use of chemicals for the destruction of plant and animal pests, and the possible harmful effects of such pesticides. A number of pesticides have been found to have had damaging effects upon the environment. The manufacture of such chemicals is under federal jurisdiction; the province may only control the use of such pesticides.

Section 3 of the Act prohibits the emissions etc. of harmful pesticides to the environment.

As a further safeguard, operators may only perform an extermination upon obtaining the proper license after training (Section 4). Section 10 of the Act contains further provisions with respect to licensing.

Under sections 20 and 21 the Director may issue stop orders and control orders to control or prevent the emission of a pesticide into the environment. Section 23 empowers the Minister to order the person responsible for pesticide which is damaging the environment, to clean it up.

Regulation 618/74 under The Pesticides Act, 1973 controls the sale, use and handling of pesticides in Ontario. A pesticide cannot be sold in Ontario unless it is listed in a schedule of this Regulation.

### CHAPTER 3

MINISTRY OF THE ENVIRONMENT'S  
CONCERNS NORTH OF 50°



THE MINISTRY'S CONCERNS NORTH OF THE 50TH PARALLEL

In general, the Ministry of the Environment's concerns are similar both north and south of the 50th Parallel and basically involve carrying out the programs outlined in the section on The Role of the Ministry. However, certain features of the northern portion of the province result in special emphasis being given to some of these concerns. For example, the relatively severe weather conditions with a very short growing season result in slow natural recovery from environmental damage. This same factor also increases the time and cost of construction of pollution abatement facilities when these are required. Another factor is the buffering capacity of the lakes in the north. These lakes are on the Pre-Cambrian Shield and, because of the geochemistry of the shield, have low buffering capacity and cannot counteract the effects of certain types of contaminants to the same degree that lakes in other areas can.

Industrial growth in the north is of special concern because it is primarily based on resource extraction, i.e. the mines and forest industries, which require large projects with potentially wide reaching environmental effects. Without adequate planning and precautions to protect the environment, such projects can have much greater proportional effects in regions such as the north where the livelihood and life style of many of the people, particularly the native people and people involved in the tourist industry, are dependent upon preservation of the indigenous flora and fauna. Associated with this concern is the difficulty in developing an overall development and land use plan for a region where so much of the



industrial development is dependent upon locating the natural resources to support it. This is particularly pertinent to the mining industry where the mine and mill complex location is dictated by the location of the orebody. The location of the industry also, in many cases, dictates the location of the accommodations and services required for those working in the industry.

Over the past years, the Ministry of the Environment has been developing controls to ensure that the environmental problems which have occurred in the past as a result of industrial and associated townsite expansion are, for new ventures, eliminated or contained to acceptable levels. At the same time, these controls have also been used to correct or improve many of these problems associated with existing industries and municipalities.

In implementing abatement programs in the north, Ministry staff pay particular attention to factors which are critical in the north. Such factors as extreme frost depth and perma-frost, extreme cold temperatures, ready availability of spare parts, etc., must be considered in the design of services, industrial processes and pollution control facilities, before Ministry approval can be given. Also, because of the great distances from suppliers, staff ensure that adequate provisions are made for maintaining sufficient chemicals for water and sewage treatment and other pollution control systems. This is particularly important because the fragility of the environment to which such systems discharge dictates that interruption of pollution control operations be avoided.

Many effects of growth and expansion, particularly social and economic factors, have yet to be dealt with adequately. However, there have been successes with the present environmental control process which would suggest that many of the severe effects, at least on a physical environment, can be eliminated or reduced to manageable proportions for new ventures.

For example, in the pulp and paper industry, it has been possible to reduce the loss of solid materials such as fibre, bark, grit, etc., to acceptable levels by the installation of primary treatment facilities at most of the mills in the province and work in progress should solve this problem at the others. Also, during recent kraft mill expansions in the north, abatement programs have been developed which are designed to ensure control of other contaminants in the effluents. Particular note should be made of the development of a process installed in a new kraft mill built by the Great Lakes Paper Company Limited which is intended to result in the elimination of the effluent contaminated with objectionable substances.

Similarly, in the mining industry, many of the problems which occurred in the past because of the discharge of mine and mill wastes directly to natural waters without containment or treatment, have been eliminated. All new mines are now required to provide for total containment of the tailings produced in their mills and also must provide treatment for any wastewater discharged if they do not meet Ministry requirements. Examples of new mine/mill complexes where such controls have been

required are the nickel mine/mill complex owned by The International Nickel Company of Canada Limited at Lake Shebandowan near Thunder Bay and the copper/zinc base metal mine complex owned by Mattabi Mines Limited near Ignace and finally, north of the 50th parallel, the base metal mine operated by Union Miniere Exploration and Mining Corporation Limited at Pickle Lake. In spite of these advances, the Ministry is always concerned that its standards and expectations are high enough to protect the environment of the north.

An area of special concern which relates primarily to the mining industry, involves the effects which remain after an industry closes. The concerns basically are to ensure that provisions are made for adequate water supply and sewage treatment if the townsite remains and the mine/mill complex is removed or the affected area, particularly in the case of a tailing disposal area, is rehabilitated to avoid later environmental damage. The past inability to deal comprehensively with some of these problems, particularly with respect to townsites, is of major concern to the Ministry.

When the environmental assessment process is applied to new undertakings, whether voluntarily or legislated under The Environmental Assessment Act, many of the impacts of the undertaking can be predicted and avoided or mitigated. The Ministry is responsible for preparing guidelines for these assessments as well as co-ordinating the government review of them. Guidelines issued to-date indicate that an environmental assessment must cover all stages of an undertaking, including plans for construction, operation and retirement.

The main concern here as discussed in the section on The Environmental Assessment Act is that the alternatives are evaluated with respect to their effects on the social, economic and natural environments at a stage in the planning process before the decision-makers have become committed to a single course of action. The basic assumption is that it is better to anticipate and avoid a problem, if possible, rather than have to resolve it later.





## CHAPTER 4

### CANADA-ONTARIO ACCORD



THE CANADA-ONTARIO ACCORD

In 1975, the Governments of Ontario and Canada signed an Accord designed to establish a co-ordinated effort in the protection and enhancement of environmental quality. (Appendix 11).

The Canada-Ontario Accord concerning environmental matters recognizes that the two senior levels of government have interest in the field of environmental quality and control and provides for cooperation between the governments to protect these interests while avoiding duplication of efforts. Under the Accord, the two governments often consult on possible environmental effects of proposed major industrial developments. This is particularly significant in the northern regions where the Federal Government, through financial support programs such as those administered by the Department of Regional Economic Expansion, may encourage such developments and their associated infrastructure.

The Federal government intends to establish national baseline ambient quality objectives for air and water. It will then promulgate regulations and guidelines under The Fisheries Act, The Clean Air Act and The Contaminants Act.

The regulations that are promulgated federally have legal application in Ontario. Guidelines on the other hand are not Federal laws and the Province has agreed to adopt by regulation federal emission guidelines provided that these have been mutually agreed upon.

The enforcement of the federal regulations and guidelines is being left mainly to the provinces, although co-operative action is frequently taken. The province is given authority to enforce federal regulations under the statutes to which the Accord is related.

In the northern regions, the Ministry of the Environment has agreed to co-operate with the Federal Government in the identification and solution of pollution problems in isolated locations which may be more readily accessible by Ministry staff. The Ministry will also assist in emergency situations such as oil spills involving Federal facilities which are within the normal geographic area of the Ministry's activities. As well Ministry staff provide technical advice to native peoples on request, when an environmental problem is perceived by them, and will take corrective action if the source is within provincial jurisdiction.

The Federal government has been active in outlining regulations and guidelines for waste effluent for the pulp and paper and mining industries. However, similar regulations and guidelines for air contaminants are still in the process of development. Thus, if and when federal regulations are made (only in cases of hazardous materials, e.g. arsenic, mercury) enforcement will be on a cooperative basis between the two agencies. If and when federal emission guidelines are promulgated, they must be adopted into provincial regulations where such guidelines have been agreed to and enforcement would be provincial.

The Federal Government has established by Cabinet directive the Environmental Assessment and Review Process (EARP) under the Minister of Fisheries and Environment. This process applies to any undertaking carried out by a department or agency of the Federal Government.

Unlike the provincial environmental assessment process the EARP process places the onus on the proponent agency to decide whether or not the undertaking has significant environmental effects.

If the proponent feels that there are no significant environmental effects he can proceed with the project with mitigating measures if required.

If, on the other hand, there are significant effects the proponent must prepare an Environmental Impact Statement (E.I.S.) in accordance with guidelines prepared by the Environmental Assessment Panel. The panel is established by the Department of Fisheries and Environment and is new for each project received.

The Panel reviews the E.I.S. in a public forum and makes recommendations to the Minister of Fisheries and Environment who can adopt or alter this recommendation and make a decision as to whether the project should proceed, proceed with modification or not proceed. The Minister makes this decision in consultation with the Minister of the proponent agency and any conflicts are resolved at Cabinet.



If the undertaking is proposed in Ontario, the Province conducts a co-ordinated review of the project and appears at the hearings if they are held. The Ontario Ministry of the Environment is responsible for co-ordinating this provincial review.

The Polar Gas pipeline proposal to bring gas from the high Arctic Islands to an existing Trans Canada Pipeline facility in Northern Ontario is subject to the E.A.R.P. process. The reason for this is that any new pipeline or extension to an existing pipeline that crosses provincial boundaries falls under Federal jurisdiction.

The proponents of this undertaking are Trans Canada Pipelines, Panarctic Oils Ltd., Ontario Energy Corporation, Petro-Canada, Tenneco Oil of Canada Ltd., and Pacific Lighting Gas Development Company. They will likely be making a submission to the National Energy Board (N.E.B.) in the near future which in turn will conduct public hearings. At the same time an E.A.R.P. panel will be established to review the Environmental Impact Statement (E.I.S.).

The Ministry of the Environment will be co-ordinating the Provincial review of the E.I.S. under the E.A.R.P. process.

It has not yet been determined what aspects of the project will be heard by the N.E.B. and what aspects will be heard by the E.A.R.P. panel. The Commission may wish to consider this matter and make recommendation as to how the concerns of the people of the north can and should be addressed. •

## CHAPTER 5

### NEED FOR ENVIRONMENTAL SAFEGUARDS

### IN THE NORTH



## NEEDS FOR ENVIRONMENTAL SAFEGUARDS IN THE NORTH

The vastness of the north with its seemingly endless resources appeared in the past to promote a pioneering outlook where only the rate of exploitation was of concern. More recent events suggest that, though much of the area is vast and relatively unspoiled, the need for environmental safeguards is equally as important as it is in the highly developed areas in Southern Ontario.

As previously mentioned, climatic conditions dictate a short growing season which lowers the degree of regeneration. Barren land becomes susceptible to erosion causing the loss of valuable and, in many cases, marginal supplies of topsoil which, in turn, makes rehabilitation very difficult.

The low buffering capacities and lower assimilative capacities for nutrients of Northern Ontario Lakes mean that land drainage, air pollutants, and effluents from mine tailings and other industrial sources, can seriously deteriorate water quality. A number of examples presently exist in the north where environmental safeguards were not applied and serious environmental effects resulted. Sudbury shows the ill effects of sulphur dioxide fumigation on vegetation and the extremely slow rate of recovery. The same sulphur dioxide emissions have acidified a number of the recreational lakes in the area. The English-Wabigoon water system has been seriously degraded by wastes from a pulp and paper and chlor-alkali plant complex located at Dryden. These wastes have not only downgraded water quality but have caused heavy economic losses to tourism and changed the life style of the native peoples in the area. Other

examples of misuse of the environment are shown by the mining industry. Gold mines in Geraldton, Pickle Crow and Red Lake areas have been abandoned with inadequate controls of contaminants leaching from the tailings areas. Not only does this present a potential water quality problem, but in many instances is also aesthetically a permanent scar to the natural environment.

All of this evidence strongly points out that environmental safeguards are essential in the north and that standards must be at least as stringent as for the rest of the province.

The Ministry's water and air standards and guidelines are based, respectively, on assimilative capacity of the receiving body of water and atmospheric dispersion capabilities. Given that environmental concerns throughout the Province are evaluated on this basis then the specific sensitivity of the "Northern Environment" is taken into consideration because the permitted emission varies with the capacity of the receiving environmental component.

Before leaving this subject, it should be pointed out that the Ministry receives many arguments that application of pollution controls should be less stringent in the north with respect to items such as solid waste disposal sites, private sewage facilities and the like. Generally, it is suggested that, due to the sparsely populated nature of the area, standards well below those required in the more densely populated south would be adequate. Where possible, the Ministry gives recognition to the regional disparities in assessing



requirements, but by the same token, recognizes that many serious environmental and health problems have occurred in the north as a result of shortcuts in the past.

Inherent in the feeling that environmental standards are unnecessary or can be less stringent in the vast area of the North, is the idea that development can proceed with minimal regard for the effects on plant and animal species, and their habitat, on the assumption that "there is a lot more of the same" to be found elsewhere.

This assumption is not valid, for it fails to recognize the complex, interrelated, and interdependent nature of the various physical components of the environment and the living species which depend upon them. Each species occupies its own particular niche within an ecosystem and cannot be randomly interchanged or moved about. Species are dependent upon the correct habitat, and small areas within the wide expanses of the North can turn out to be critical to the survival of particular species. This emphasizes the importance of studying the area to be affected by a proposed development, thus identifying and evaluating the probable effects before the action proceeds.

Difficult judgements will be required when situations are identified where an economically attractive development may jeopardize the survival of a species. The decision is especially difficult when the threatened species has no apparent economic value. A similar difficulty arises with respect to conflicts between proposed development and aesthetic values, the preservation of wilderness, or effects on archaeologically

significant areas - all things which are difficult to evaluate from an economic standpoint.

There are, however, certain utilitarian aspects to be considered when dealing with the less-familiar components of the natural environment. Some of these are discussed below.

## 1. Stability of Natural Systems

A diverse environment is a stable environment. In fact, ecologists have established that ecosystem stability varies directly with ecosystem diversity. Mono-cultures, and other manipulated systems are much more susceptible to sudden outbreaks of pests and disease than diverse natural systems. Great amounts of energy must be expended to maintain systems of low diversity. For example, if natural predators are removed from a system, the prey species can reproduce at will, exploiting its habitat. If this conflicts with man's use of the area, it may be necessary to resort to energy or labour-intensive control measures.

## 2. Natural Monitoring

Natural systems provide natural devices for monitoring ambient environmental quality.

Lichens can be used to monitor low levels of nitrous oxides, and a study is currently underway in Ontario to determine if the white pine is a natural monitor of low level radiation. The greater the diversity of species present, the

greater the likelihood of having a natural monitoring system available.

### 3. Genetic Resources

Given the complexity of the interactions and interrelations between species and components of the environment, it is impossible to say that a particular component is non-essential or without value. Each species is a genetic resource which, once lost, is virtually impossible to replace. These genetic resources may eventually be of great value for medicinal, or other purposes, so should not be disregarded as unimportant.

### 4. Recreation

The value of outdoor recreation, defined in the broadest possible terms, must be kept in mind. The opportunity to participate in outdoor recreation is of particular value in relieving the stresses of our society. Recreation in the north means more than traditional hunting and fishing; it also includes non-consumptive uses such as canoeing, and wildlife observation.

### 5. Education/Research

From scientific perspective, we need to know how existing ecosystems work. An intact ecosystem provides a natural museum and classroom for teaching of our young and old alike; it also provides a system to which man can compare his manipulated environment and learn the true consequences of his actions.

This is not meant to present a case for the preservation of all of northern Ontario. It is an attempt, however, to illustrate the rationale for consideration of the natural system of the North during the planning of future development.

## CHAPTER 6

### ECONOMIC IMPLICATIONS





## ECONOMIC IMPLICATIONS

### A. Environment and The Economy

The current economic climate in Ontario has prompted some people to suggest that industries cannot afford the pollution abatement programs required by the Provincial and Federal governments, and that stringent environmental standards are "drying up" investment in Ontario and are detrimental to the provincial economy.

This argument is largely unsubstantiated and in fact various economic reports including one by the Conference Board of Canada attribute Canada's uncompetitiveness primarily to high wage cost, price and wage controls, small markets and labour unrest rather than environmental controls. This was brought home in Premier Davis' recent visit to Japan. In an interview on CBC radio on October 3, Mr. Davis was asked about Japan's reported concern over Ontario's stringent environmental laws and he responded that at no time did anyone express this concern to him.

Concern for environmental quality is not unique to Ontario. Other jurisdictions with which Ontario must compete for investment are also concerned with protecting the environment.

One of Ontario's closest competitors, the United States amended its Water Pollution Control Act in 1972, establishing guidelines that are probably the most stringent water quality objectives yet announced by any government. These guidelines

are accompanied by a timetable for compliance culminating in a zero discharge by 1985. There is air quality legislation requiring industry to control air pollution in a similar manner.

The Swedish Environmental Protection Act, 1969 requires present or potential polluters to obtain a permit which establishes conditions and standards to be met by the polluting activity.

The Federal Government of Canada is developing various air emission and wastewater effluent regulations which will provide a baseline level of emission standards which all provinces in the country are supposed to achieve. However enforcement of these regulations is primarily up to the various provinces.

British Columbia is preparing air and water effluent guidelines for the pulp and paper industry which are at least as restrictive as those in Ontario.

The Quebec Water Board has published Directives for reducing air and water pollution from the industry and has established effluent objectives.

In February 1977 the Alberta Government published guidelines for the preparation of Environmental Impact Assessment under the authority of The Land Surface Conservation and Reclamation Act, 1973.

It is evident that Ontario is not the only province with environmental standards. The permissible levels of effluent discharge may vary from one Province to another but it is evident that the decision of an investor to locate in, or outside of Ontario will not likely be based on Ontario's environmental requirements alone.

In view of these actions in other jurisdictions, the argument that industry will locate in the U.S or elsewhere in Canada because of less stringent environmental requirements is unsubstantiated.

Pollution itself causes many types of damages, some of which can be measured in terms of dollars. These damages occur as the assimilative capacities of the natural systems are exceeded, due to an excess of waste being discharged to them. For example, excessive BOD loading to a waterbody can deplete the oxygen supply enough to eliminate the fish population. If a group of people relied on commercial fishing in that waterbody for their livelihood then they would have to look elsewhere for employment or to the government for economic assistance. Water pollution also requires that downstream users incur costs of water treatment. On the other hand many of the air and water pollution damages are intangible and difficult to measure quantitatively or immediately. Health effects are examples of this type of damage.

There are many enterprises that contribute to the Provincial economy that are non-polluting and therefore are not affected by environmental standards. The facilities that pollute the most are usually older ones which will eventually have to be replaced for reasons other than waste disposal. The extra cost of making a new plant meet environmental standards is generally less than adding abatement facilities to older plants.

Pollution abatement often means improved efficiency and less waste. The recycling of usable by-products, which were previously considered waste, and improved efficiency can make industries more competitive. This will create economic growth with reduced pollution. Abatement activities themselves boost the economy by creating jobs through the designing, manufacturing and installation of equipment. The technical opportunities for shifting towards non-polluting goods and services are many and such a shift can boost the economy.

In the past, industries have been creative and successful in responding to economic and technical challenges. There is no reason why they cannot be equally as successful in meeting these environmental challenges.

It would be naive to suggest that pollution control never causes problems. It is possible that some economically marginal investments may be precluded or altered in timing because of these "additional" costs. This is reported to be one of the reasons for Abitibi Forest Products Limited's decision to close down the sulphite pulping operation in Thunder Bay. It would

require in depth research to determine the extent to which environmental concerns affect capital investment in the region related to municipal and industrial undertakings. However, they do not appear to have prevented investment by two major industries in Northern Ontario to date.

The kraft pulping operations in the Northwestern Region, of which there are seven, have completed or are currently working on, major modernization and/or expansion program. There has been little suggestion that the current level of environmental controls required at these mills significantly affected the timing of the programs and the fact that they are proceeding with the required controls, speaks for itself. Similarly, in the mining industry, the new mine/mill operations built over the past few years indicates that this industry can function within Ontario's environmental framework. However, as environmental standards become more stringent, e.g. requirement for flue gas desulphurization or other advanced forms of pollution abatement, the economic impact may be more significant. There is no doubt that such impacts must be assessed in planning such undertakings. It remains however that allegations of environmental standards in Ontario stifling economic growth are unsubstantiated and, in fact, pollution abatement can be beneficial to the overall economy of the Province.

As previously discussed The Environmental Assessment Act in Ontario does not universally apply to private sector undertakings at this time. The Government may however pass a regulation placing a private proposal under the Act and therefore requiring that a proponent submit an environmental



assessment for approval under the Act prior to proceeding with an undertaking. The Act will likely be applied to large, complex proposals and not universally to all industrial undertakings.

It is understandable that some companies are apprehensive about the EA process as they are of any new concept. This apprehension is due mainly to uncertainty and an unfamiliarity with the process in Ontario.

Many of the larger companies to which the legislation would likely be applied have experienced similar processes in other jurisdictions (e.g. N.E.P.A., EARP) and have not been threatened by it. Several industries (e.g. Kimberly-Clark, Gulf Oil of Canada Ltd, Elliot Lake, Esco Steel, and Texasgulf Ltd.) which have voluntarily gone through the E.A. process have realized several benefits.

#### B. Industrial Involvement in the Environmental Assessment Process

Large scale undertakings carry with them potential effects on community development and life styles, local and regional economies and the local environs.

The Environmental Assessment process was conceived to establish a planning process in which the potential effects of the undertaking could be predicted. Once predicted they can be accommodated in the case of needs for expanded infrastructures in a community or minimized in the case of environmental degradation.

The public is requesting and in some cases demanding input into decisions affecting their life styles and surroundings. The EA process provides a formal mechanism for such public input.

Voluntary and legislated uses of the environmental assessment process have demonstrated the following benefits:

- (1) The decision-makers are provided with a comprehensive document containing information about the potential social, economic and environmental implications of a proposal upon which they can base their decisions and future planning. It also contains the information necessary for making tradeoffs when conflicts in government policies arise. These tradeoffs are made by Cabinet and not by the Minister of the Environment. In the cases where a hearing is required the tradeoffs are made by the Environmental Assessment Board with the Cabinet having the opportunity to vary the decision within 28 days.
- (2) The company is provided with a clear articulation of the various problems associated with its proposal at a stage when they can be avoided or mitigated.
- (3) The company is provided with a coordinated government reaction to its proposal, therefore eliminating much of the uncertainty associated with new undertakings.

- (4) The public is provided with an opportunity to participate in the planning of projects affecting them.

The following are cases where private industries have applied the EA process. Although all cases do not pertain to the north there is no reason to believe that the results will not be the same.

#### Case 1

Kimberly-Clark of Canada Ltd., carried out a voluntary EA on their proposed paper mill expansion in Terrace Bay. In a letter dated February 9, 1976 the company wrote:

"Our Environmental Assessment, together with the discussions and exchanges with your Ministry and others regarding it, greatly assisted us in identifying potential problem areas in the early stages of our project and enabled us to incorporate appropriate modifications during 1975 in the overall development."

The Environmental Assessment proved to be a useful document for the Government in arriving at its decisions about the project as all relevant information is collected in one place.

Municipalities to be affected by the increased work force required for the project made extensive use of the Environmental Assessment document in preparing their own submissions to the Government outlining their requirements for provision of water and sewer servicing, education, health care, and other community services.

## Case II

In the case of Esco Steel, the company's own design process benefitted from carrying out the Environmental Assessment, but the most remarkable benefit was in community relations. The town of Port Hope where the company ultimately proposed to locate its foundry operation had recently been the location of considerable environmental controversy surrounding radioactive wastes traced to Eldorado Nuclear Ltd. By conscientiously studying the effects that the foundry might have on the community and the natural environment, and by providing an opportunity for the public to contribute to this process, Esco Steel has received very favourable community reaction.

Indeed, a lead editorial in the local newspaper praised the company for its voluntary compliance with the principles of The Environmental Assessment Act:

### ESCO HAS A BETTER IDEA

If the current procedure being carried out by Esco is a sign of things to come, environmentalists may have reason to be hopeful. Esco is planning to expand its current operation in Port Hope with a \$3.5 million foundry, located on its present property on Peter Street.

Though not yet compelled by law, the corporation which produces buckets for heavy construction equipment has decided to follow the guidelines for industrial expansion as laid down by The Provincial Environmental Assessment Act of 1975.

Esco had hired a private environmental consulting group, Ecologistics Limited, to research the possible effects of the new foundry. The group has begun investigations into all areas of ecology from noise level to possible effects on the erosion of the nearby lakeshore. To date the environmental group has found nothing which would give reason for concern about the proposed expansion.

Along with the Ecological studies, Esco want to involve the residents of Port Hope. The corporation wants to find out how people feel about a foundry in their town. They are interested in hearing the good and the bad.

Esco has already planned to hold a public meeting in order to receive input from the town citizenry. If problems are raised as a result of that meeting, the corporation proposed to hold another public meeting in order to report back to the community.

This style of environmental preventive medicine is an encouraging development in the industrial field. Esco is to be commended for initiating the action.

### Case III

When Texasgulf Ltd., wanted to expand their copper smelter and refinery in Timmins they carried out a voluntary environmental assessment.

The document proved extremely useful to affected agencies who would ultimately be required to react to the increased demands placed on the local community in the areas of housing, traffic, health care, education, police and fire protection and energy requirements.

The fact that much of the necessary information was contained in one document allowed the government agencies to plan strategies for dealing with these increased demands much more quickly.

### Case IV

The Monsanto Chemical Company did a voluntary Environmental Assessment on their proposed Polystyrene plant in southeastern Ontario.

While proceeding through the Environmental Assessment, the company identified several technical, legal and social problems with respect to their proposed site near Second Marsh. As a



result of identifying these problems early in their planning they chose to locate at another more suitable site in Cobourg. The introduction to Monsanto's report provides an interesting illustration of the company's attitude towards environmental assessment.

Ever since man first crawled out of the cave, he has been changing the world he lives in.

He squandered the bounty of his planet, twisted its countours to his needs, left his work of destruction everywhere. He has given little thought to the ultimate effect of all his tinkering, tampering, and trampling.

He simply believed it was necessary.

But now a rude awakening has come - and with it alarm for the world's plight. Man has begun to ask himself: "Am I destroying my world, wearing it out, fouling my own nest? Am I taking more, consuming more and wasting more than I can ever replace, leaving nothing but dust and ashes for my children and my children's children?"

The above statement could have been written by a governmental agency as justification for a community and environmental impact assessment statement about the proposed Monsanto Polystyrene Plant in Cobourg.

On the contrary, it was written by Monsanto in their publication, "Meeting the Environmental Challenge". Nevertheless, it is in this spirit that this assessment is prepared for the Township and the public".

#### Case V

Gulf Oil of Canada Ltd., in carrying out their voluntary Environmental Assessment on an expansion to their Clarkson Refinery identified many community concerns through their public participation program. By working to resolve these concerns the company avoided potentially lengthy and costly confrontations.



Case VI

The current environmental review of the Elliot Lake uranium mine expansion under an Order-in-Council, has already resulted in an increased awareness of the implications of radioactive material for a community.

The process has led to the formation of a government working group consisting of many of the agencies which will ultimately be involved in approving future aspects of the project and associated infrastructure. The final outcome will be a co-ordinated government evaluation of the proposal.

These six examples illustrate that the environmental assessment process can be beneficial to the government and the public as well as to companies planning new undertakings in Ontario.

## CHAPTER 7

### PUBLIC PARTICIPATION AND THE COMMISSION PROCESS



## PUBLIC PARTICIPATION AND THE COMMISSION PROCESSES

### A. Introduction

The Hartt Commission presents a tremendous opportunity to involve the public in shaping the future environment of the entire Province. It is recognized that many of the suggestions presented in this section of the Ministry's submission may have already been considered or adopted by the Commission.

At each stage of preparing these comments the question ultimately asked was, "What can reasonably be expected of the various actors involved?" The resultant comments are purposefully broad and general because the dynamics of the Commission processes, as in defining the scope of the issues will determine the character of public involvement. To suggest that a pre-determined public participation programme must be designed and adhered to religiously at this time would be the same as providing a solution before the question is asked. It is recommended that the Commission adopt a flexible approach or strategy to the public participation programme so that the needs of the various actors involved can be facilitated. The relevant experiences of recent Royal Commissions should be drawn upon along with appropriate theoretical frameworks to achieve the goals and objectives of the Commission. The following comments attempt to highlight some of these features.

B. Public Participation Defined

At the October 1977, Canadian Conference on Public Participation, two definitions were presented which help to describe what is meant by the elastic term public participation:

- 1) genuine public participation is the sharing by individuals and groups in the formative stages of decisions which affect them; (paraphrased)  
and,
- 2) "a component of the democratic system which permits non-elected members of the community to exercise some control over decision making which goes beyond elections" (Burton et al).

T.L. Burton's discussion of the later definition suggests three key characteristics are necessary for public participation to occur:

1. emphasizes public sector decision making;
2. emphasizes the involvement of non-elected, non appointed members of a community;
3. stresses a degree of control over decision making that goes beyond voting in elections.

### C. Citizen Groups as a Resource

It is important for the Commission to view citizen groups as a resource in all phases of the Commission's work. The relationship of the Commission with citizen groups should foster a two way flow of information, ideas and responsibilities. The Commission has much to gain from the energy and commitment, capabilities, innovative approaches and the information and knowledge of citizen groups.

### D. Commission Processes

#### 1) Preparations - Time and Money

In order to achieve the objective of involving the public in the Commission's work, citizen groups will need time and money. The determination of what is considered to be sufficient lead time and adequate funding arrangements for public groups should be arrived at through discussion with interested public groups. The approach used by the Berger Commission was to provide funds in the order of \$1,000,000 to Native groups and \$500,000 to environmental groups with instruction to come back prepared within one year. One critical element in establishing credibility with the public groups is the administration of Commission funding to these groups. Initially public groups should be allowed the opportunity to form group coalitions for the purposes of Commission funding without the direct involvement of Commission staff.



Available funds budgeted for citizen groups should not be expended until people have had a chance to survey the issues and map out how they would like to participate in the Commission's work. It is recommended that the Commission avoid arbitrarily imposing conditions or forcing marriages between citizen groups as conditions of funding. It is unlikely that the public groups will fail to form coalitions if they are given a fair chance. Some initial "seed money" may be necessary to assist key groups in communicating with other interested parties and establishing the primary linkages. As the issues of the inquiry become clear more people may want to join-in, while others may wish to discontinue their involvement. The Commission should not hesitate to discuss the availability of funds with groups on a regular basis.

## 2) Availability of Information

All parties involved in the Inquiry would benefit from the exchange of information that could be contained in a newsletter or digest. A publication by the Commission similar to the Ministry of the Environment digest EA Update would be a useful vehicle for distributing information. Such information as a listing of contact people with the public groups, timetables for hearings, schedules of meetings, and resource materials could be included in the digest. The publication might also be a good forum for publishing of author prepared abstracts of submissions presented to the Inquiry. This would help people who are unable

to attend all of the hearings to keep abreast of the direction and the nature of testimony.

### 3) The Advanceman

The Commission would be wise to employ the services of an "advanceman" in taking the Inquiry to the people. The duties of the advanceman would be to convey the message of the Commission to communities, public groups, non-organized people, and the private sector and solicit their input and involvement. In other words the advanceman would be "beating the bushes" to ensure that people were aware of the work of the Inquiry, had the necessary information and prepared submissions to the Commission. Part of the success of Berger's northern community hearings has been attributed to the effective role of the advanceman. The advanceman contacted all community leaders and made sure that they knew that the Inquiry was interested in their position. Hearings were only held in northern communities after the local groups indicated that they had completed their preparations and were ready to participate.

### 4) Public Education

A coordinated public education programme on the issues facing the future development of the north, north-south relationships and the opportunities, challenges and responsibilities therein is a necessary component of the

Inquiry's work. The process of educating the public should extend beyond direct contact with the public at hearings or indirectly through the media. The educational perspective of the Inquiry should reach those who will be directly affected in implementing the recommendations of the Commission. Specifically, the youth of the Province and particularly those in the north should be the prime target. High school curriculum development on northern environmental issues, governmental processes, north/south travel exchange programmes, and liaison with formal and voluntary teachers organizations would all facilitate public education. It is important to note here that the Ministry of Education and OECA could have a critical role to play in this regard.

Research efforts by the non-organized but interested publics could also provide valuable resources to the Commission. University student research groups would fall into this category.

The commission might also consider establishing a technical reference library that would be available to the public through existing community, university and college libraries.

Another important element in the educational aspects of the Inquiry's work is the education of southerners in the ways and problems of the north. The previous suggestions on school curriculum etc. are as equally important in the south as in the north.

## 5) Relations with the Media

The media has a very special role to play in bringing the issues and the progress of the Inquiry to the people of the Province. All forms of the mass media should be employed in the Commission's works. Special agencies like OECA and opportunities such as NFB's Challenge for Change programme should be explored for potential involvement either directly or through public groups.

## E. The Hearing Process

A great deal of experience has been gained by all levels of Canadian government in dealing with hearings on a broad range of environmental matters. Suggestions specifically dealing with the nature of the hearings processes are listed below:

1. Where: The locations of the hearings should be designed to fulfill the Inquiry's objectives and to facilitate public input. Although the nature of the issues may be perceived to be northern issues, the scale of the hearings should be Provincial. Decisions will have to be made on holding hearings in the southern part of the Province as well as in the north. Also, decisions on the character of the southern hearings will be required. A reasonable approach would be to hold southern and northern informal hearings for the purposes of information gathering and then hold the more formal hearings in the north.

The eventual recommendations of the Inquiry will likely have greatest impact on the day-to-day lives of the people living in the north. The Commission should make its recommendations in the north based on the information gathered from northerners, southerners, industry and Government.

Once the overall strategy for the hearings has been agreed upon, decisions on specific locations will be required. The Commission should make a concerted effort to visit every community north of 50. For northern communities south of 50 a representative sample of communities should be visited.

2. When: Recognizing that the people of the north are dispersed over a wide geographic area with somewhat limited transportation linkages, the timetable of the hearings should not be rigid or tight. People should be asked to contribute when they are prepared. Experience suggests that these comments are particularly true for the Native peoples. Hearing and meeting schedules should also reflect the daily and seasonal employment patterns of northerners. Employment activities of the traditional hunter and trapper, the summer tourist operator, the mill worker on shift work and school timetables must all be considered in establishing appropriate hearing schedules. Hearings should be held in both Native and non-Native communities in the north.



3. Pre Hearing Preparations: Advance publicity should be sufficient to let everyone know that the Commission is coming to town. If the advancement has done his job the people will have had the time, information and money necessary to make a prepared presentation. For people who may not want to get involved in a formal public group, it might be a good idea for the Commission to operate a Zenith telephone information service. Pre hearing information must be readily available to all people who express an interest.

4. Technical Aspects: Since some people are intimidated by sophisticated communication devices, the Commission should be sensitive to the reactions of people to technical equipment while giving testimony. Physical comfort and acoustical characteristics of meeting places should also be investigated before the arrival of the Commission.

5. Formality: The style of the hearings should be geared to the needs of the people who appear before the Commission. Formality should be minimized allowing people to say what is on their mind. This point relates closely to the question of cross examination. The Berger approach did not allow Native peoples to be cross examined in their testimony. In some cultures in the far north a man's word is never questioned and to cross examine a man on his word would bring dishonour to him. The Commission should thus be sensitive to the cultural differences it will encounter and set its rules accordingly.



6. Hearings: When commencing hearings and meetings, the Commission must take great care in pointing out the objectives of the Inquiry and the powers of the Commission. The realisms and relevance of the Commission's objectives must be made clear to the public on an ongoing basis. Commission staff should monitor the representativeness of people giving testimony and attempt to identify and seek out people or groups who may not be participating. (i.e. non-organized groups like youth, or Metis groups)

Industry and the private sector must be encouraged to participate in the hearing process in order to achieve a balanced perspective on northern development.

7. Role of Counsel and Expert Witnesses: Some people will require legal counsel on a full time basis while others will only retain counsel for opinion on procedural matters. While the role of counsel should not be unduly restricted during the hearings the Commission could reduce the need for legal counsel. It is suggested that the Commission engage the services of a public advocacy lawyer to tutor and coach public groups on how to prepare presentations and questions before the Commission. This was done at the Cluff Lake Hearings in Saskatchewan with considerable success. Such "legal teachers" could be contacted through the Canadian Consumers Association, Ottawa or the Canadian Environmental Law Association, Toronto.

The Commission will be required to define the role of expert witnesses in the inquiry. Public groups will argue that they are at a disadvantage if the Government and private sector extensively use their experts to make their case. The citizen groups are correct in their understanding because if a balanced perspective is to be reached both sides must be given an equal chance to make their case. In anticipation of numerous requests for funding for experts, the Commission might entertain the idea of having the Commission invite and fund all non governmental expert witnesses. When an issue arises that requires expert testimony, the Commission could approach all parties (private sector and public or community groups) and request that they identify several experts that they feel would represent their positions. Through negotiation a consensus could be reached and three or four (or more) experts representing the differing view of the various parties could be asked to appear on a selected issue.

8. Reporting: It is important for the Inquiry to maintain a flow of information to the people of the Province. The use of interim reports would update people on the direction of the Inquiry. This would also assist government in the early implementation of the Commission's recommendations. Transcriptions of the hearings should be available to the public at cost. The Commission might also consider providing the meeting and hearing materials in the Native languages of Cree and Ojibway as well as English and French.

9. Overlap with Other Hearings: The potential for serious overlap with other hearing processes always exists. The current MNR Strategic Land Use Planning Programme, Polar Gas planning and hearings under The Environmental Assessment Act among others all make demands on public groups for input. It is highly unlikely that public groups will be able to cope with all these competing demands.

Commission involvement with other planning development proposals in the north should emphasize the need to maintain flexibility for the implementation of the Commission's recommendations.

#### F. Evaluation of Public Participation

An evaluation process should be built into the Commission's public participation programmes at an early stage. The importance of an evaluation process will be most apparent after the hearings are completed and the Commission must decide whose advice was most acceptable.

The evaluation of presentations should be based on content and not on the "size" or "power" of the group making the presentation. Interim evaluations of the programme may also assist the Commission in discovering whether all significant groups are indeed involved in an effective way.

## CHAPTER 8

### ISSUES



## ISSUES

### A. Introduction

The mandate of the Commission is extremely broad and spans a wide area of subject matter, concerns and geographical area.

It is likely that the Commission will be swamped with numerous concerns. In order to make the best use of the time available it will be necessary for the Commission to identify the more critical issues and concentrate on these. If the broader, more critical questions can be resolved than hopefully the smaller issues will subsequently be resolved.

In this section the Ministry will present what it feels are some of these broader issues that the Commission might want to address.

### B. Desires of the Local People

The mandate of the Commission establishes the importance of addressing the implications of development for the people of the north. This is seen as a need to understand the aspirations of the native and non-native residents of the north. The Commission will need to understand the way of life of the northern inhabitants and the implications of development for that way of life. By having knowledge of these three subjects



it is hoped that the Commission can make recommendations as to how planners of projects in the north should take into account the wishes of the people affected.

The question of native rights and claims and their relationship to development is of particular concern. Is there a balance that can be struck which, for the foreseeable future, will provide a co-operative atmosphere devoid of conflicts? If the Commission can provide insight and at least partial solutions to this problem, much will have been accomplished.

It is hoped that the Commission will hear from all sectors of the northern population in order that the recommendations can reflect the wants of the majority.

### C. Northern Economy

The economic problems of the north stem from several causes with the biggest problem probably being the narrow base of resource extraction.

The one industry town is faced with an unstable tax base: in effect, all its eggs are in one basket. If that one industry runs into difficult times or folds the municipality often follows suit.

The nature of extractive industry requires that it be where the resource is. Therefore when a resource is developed a community will "boom" nearby. However, a mine won't last forever. What happens to the people who are suddenly out of work when that one industry folds?

The Commission should investigate the nature of the economy of the north and consider alternative ways of resolving the problems. These solutions might lie in bringing in secondary industries or in training the local people for the jobs that are available in an effort to decrease the reliance on transient labour.

#### D. Co-ordinated Planning

The north is particularly sensitive to sudden change. This is evident in that regeneration of vegetation as well as assimilation of pollution are slower than in southern climates. Economic changes as well can have serious implications for communities that could take years to correct. It is important therefore to have comprehensive planning in order that effects can be predicted and mitigated.

The Environmental Assessment Act provides a planning process for specific projects which can take into consideration the desires and aspirations of the people affected as well as the impacts on the total environment.

The Environmental Assessment Act however functions best within a planning framework where the broader policy outlines exist. This framework does not exist for Northern Ontario.

The Commission could consider alternative strategies and recommend policies for the development of the area north of the 50th parallel. At the same time it could make recommendations as to how The E.A. Act should be applied to private undertakings in the north.

Another aspect affecting development in the north is the lack of organized areas. The difficulty is the creation of a tax base sufficiently large to fund the provision of services. The Commission could assess the problem and evaluate alternative solutions.

#### E. Environmental Implications

The northern environment is still a frontier in many ways. Predicted effects of developments in the south cannot be readily translated to the north and in many areas the impacts of various developments are not fully understood.

An example of an unknown is whether or not sustained yield forestry is possible or practical in the more northerly regions. A more fundamental question can be asked. Is sustained yield of renewable resources in the north desirable?

The degree of protection of the environment can range from a recognition of the environment's natural regenerative and assimilative capacities to a requirement that all man's activities be matched by best practical, or best available, technology. It is hoped that the Commission's findings will shed light on the expectations of all segments of the population regarding this matter.

As well the Commission should make recommendations as to the desirability of sustained yield and the need for environmental safeguards.

Renewable resources can be exploited or managed. If properly managed they can contribute to the economy on a continuous basis. The Commission should address the uses of resources and the concept of non-resources as presented in this submission. Also the question of who is responsible for managing the resources, including regeneration should be examined.

#### F. Transportation and Communications

The vastness of Ontario provides a communications barrier. Not only are there communication problems across the north but also between north and south.

This can take the form of a lack of electronic communications such as radio and television or more importantly a lack of understanding of the problems of the northerner by the southerner and vice versa.

The large transportation distances add significantly to the cost of products for the northern people. This is especially true in areas where there is not a well developed transportation network.

The Commission in addressing this could give thought to the needs of the various communities. They should also consider any negative implications of expanding the transportation and communications networks in Northern Ontario.

#### G. Decommissioning Projects

If not properly rehabilitated an abandoned project can continue to pollute the environment for years (e.g. mine tailings).

The Commission may wish to evaluate the mechanisms for handling abandoned operations, particularly where townsites exist.

Decommissioning also has implications for the town with which the activity is associated. The Commission could consider the long-term costs of maintaining a townsite vs. relocation.

#### H. EARP In Ontario

As demonstrated by the approach to the Polar Gas proposal outlined in the section on the Canada-Ontario Accord, there is a potential for overlapping hearings.

The Commission may wish to review the various hearing processes acting in Ontario and make recommendations as to how these problems can be resolved. As well it may wish to make recommendations on how the Province of Ontario should interact with the EARP process.

#### I. The Reed Proposal

The Reed proposal for locating a new wood using complex in the Red Lake/Ear Falls area and supplying it from new wood limits north of the 51<sup>0</sup> parallel has been designated under The Environmental Assessment Act, 1975 by O. Reg. #1009/76 (See Appendix 7).

The activity of implementing forest management plans on public lands after July 1, 1978 by the Ministry of Natural Resources is also designated under the Act.

The Ministry of the Environment has been advised by MNR that it expects any approval resulting from the MNR forest management Environmental Assessment to provide a framework governing Reed's forest management and operating plans.

MNR is currently planning to submit its forest management environmental assessment at the end of 1977. It will also be necessary to address the broader land use planning considerations for this area, and MNR intends to do this through the West Patricia Land Use Plan.



As MNR is the proponent of these undertakings it is expected it will provide a more detailed explanation of how it proposes to satisfy its obligations with respect to The Environmental Assessment Act, and coordinate its activities with those of Reed.

On the basis of the Memorandum of Understanding between the Ministry of Natural Resources and Reed Ltd., it appears that Reed's environmental assessment would be formally submitted around mid-1979 at the earliest. But the MNR forest management Environmental Assessment will be submitted to the Minister of the Environment late this year. It is expected that the Environmental Assessment on the West Patricia Land Use Plan will be submitted in 1980.

The Commission may wish to advise the Government by interim report on whether any or all of these environmental assessments should be deferred pending further reports from the Commission or should be proceeded with under The Environmental Assessment Act.

#### J. Data Base

The question of the amount of baseline data necessary to make informed decisions on northern development is important. The Commission may wish to study the current data base and make recommendations on its adequacy.

K. Wilderness

Since large tracts of northern Ontario have yet to be committed to a particular resource uses the question of the north's wilderness potential may be an issue that the Commission should consider.



A P P E N D I C E S



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11. The Canada-Ontario Accord.





A P P E N D I X      1

The Environmental Protection Act, 1971

Regulation 15

Ontario Regulation 872/74



# The Environmental Protection Act, 1971

Statutes of Ontario, 1971  
Chapter 86

as amended by  
1972, Chapter 1, s. 69; 1972, Chapter 106;  
1973, Chapter 94; 1974, Chapter 20;  
1974, Chapter 125; 1975, Chapter 70 and  
1976, Chapter 49  
and

## Regulation 15

Revised Regulations of Ontario, 1970  
as amended by  
O. Reg. 873/74

## Ontario Regulation 872/74

as amended by  
O. Reg. 158/75

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## CHAPTER 86

## The Environmental Protection Act, 1971

## 1. (1) In this Act,

- (a) "air" means open air not enclosed in a building, structure, machine, chimney, stack or flue;
- b) "Board" means the Environmental Appeal Board;
- (c) "contaminant" means any solid, liquid, gas, odour, heat, sound, vibration, radiation or combination of any of them resulting directly or indirectly from the activities of man which may,
- (i) impair the quality of the natural environment for any use that can be made of it,
- (ii) cause injury or damage to property or to plant or animal life,
- (iii) cause harm or material discomfort to any person,
- (iv) adversely affect the health or impair the safety of any person, or
- (v) render any property or plant or animal life unfit for use by man;
- (d) "Department" means the Ministry of the Environment;

Interpre-  
tation

(da) "Environmental Assessment Board" means the Environmental Assessment Board established under *The Environmental Assessment Act, 1975*;

1975, c. 69

(e) "land" means surface land not enclosed in a building, land covered by water and all subsoil, or any combination or part thereof;

(f) "local board" means a school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board, or any other board, commission, committee, body or local authority established or exercising any

power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of a municipality or of two or more municipalities or parts thereof;

(fa) "local municipality" means a city, town, village or township;

(g) "Minister" means the Minister of the Environment;

(ga) "Ministry" means the Ministry of the Environment;

(h) "municipality" means the corporation of a county, metropolitan area, regional area, district area, city, town, village, township or improvement district and includes a local board thereof and a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes in an unorganized township or unsurveyed territory;

(i) "natural environment" means the air, land and water, or any combination or part thereof, of the Province of Ontario;

(j) "person" includes a municipality, a corporation on behalf of Her Majesty in right of Ontario, and an agent of any of them;

(k) "person responsible" means the owner, or the person in occupation or having the charge, management or control of a source of contaminant;

(m) "provincial officer" means a person who is designated by the Minister as a provincial officer for the purposes of this Act and the regulations;

(n) "regulations" means the regulations made under this Act;

(o) "source of contaminant" means anything that adds to, emits or discharges into the natural environment any contaminant;

(p) "water" means surface water and ground water, or either of them. 1971, c. 86, s. 1; 1972, c. 1, s. 1; 69 (1); 1972, c. 106, s. 1; 1974, c. 125, s. 1; 1975, c. 70, s. 1

(2) In this Act, "the Director" means a Director appointed under section 3a. 1974, c. 20, s. 1.

Idem  
Director

## PART I

## ADMINISTRATION

2. The purpose of this Act is to provide for the protection Purpose of Act  
and conservation of the natural environment. 1971, c. 86, s. 2.

3. The Minister, for the purposes of the administration Powers and duties of Minister  
and enforcement of this Act and the regulations, may,

- (a) investigate problems of pollution, waste management, waste disposal, litter management and litter disposal;
- (b) conduct research related to contaminants, pollution, waste management, waste disposal, litter management and litter disposal;
- (c) conduct studies of the quality of the natural environment, meteorological studies, and monitoring programs;
- (d) conduct studies of environmental planning designed to lead to the wise use of the natural environment by man;
- (e) convene conferences and conduct seminars and educational and training programs relating to contaminants, pollution, waste and litter;
- (f) gather, publish and disseminate information relating to contaminants, pollution, waste and litter;
- (g) make grants and loans for,
  - (i) research or the training of persons relating to contaminants, pollution, waste or litter, and
  - (ii) the development of waste management facilities,
- in such amounts and upon such terms and conditions as the regulations may prescribe;
- (h) establish and operate demonstration and experimental waste management systems, litter disposal sites and sewage systems under Part VII;
- (i) appoint committees to perform such advisory functions as the Minister considers advisable; and
- (j) with the approval of the Lieutenant Governor in Council, enter into an agreement with any government or person relating to the protection or conservation of the natural environment. 1971, c. 86, s. 3, 1973, c. 94, s. 1.

## Appointment of Directors

3a.—(1) The Minister shall appoint in writing such employees of the Ministry as he considers necessary as Directors in respect of such sections of this Act and in respect of such of the regulations or sections thereof as are set out in the appointments.

## Limitation of authority of Director

(2) The Minister, in an appointment pursuant to subsection 1, may limit the authority of a Director in such manner as the Minister considers necessary or advisable. 1974, c. 20, s. 2.

## PART II

## GENERAL PROVISIONS

4. REPEALED: 1974, c. 20, s. 3.

## Prohibition

5.—(1) No person shall deposit in, add to, emit or discharge into the natural environment any contaminant, and no person responsible for a source of contaminant shall permit the addition to, emission or discharge into the natural environment of any contaminant from the source of contaminant, in an amount, concentration or level in excess of that prescribed by the regulations.

## Exception

(2) Subsection 1 does not apply to animal wastes disposed of in accordance with normal farming practices. 1971, c. 86, s. 5.

## Control orders

6. When the report of a provincial officer, filed as provided by section 83, contains a finding that a contaminant added to, emitted or discharged into any part of the natural environment by any person or from any source of contaminant exceeds the maximum permissible amount, concentration or level prescribed by the regulations, contravenes section 14 or is a contaminant the use of which is prohibited by the regulations, the Director may issue a control order directed to the person responsible therefor. 1971, c. 86, s. 6.

## Stop orders

7. When the Director, upon reasonable and probable grounds, is of the opinion that a source of contaminant is adding to, emitting or discharging into the natural environment any contaminant that constitutes, or the amount, concentration or level of which constitutes, an immediate danger to human life, the health of any persons, or to property, the Director may issue a stop order directed to the person responsible for the source of contaminant. 1971, c. 86, s. 7.

## Approval of Director

8.—(1) No person shall,

- (a) construct, alter, extend or replace any plant, structure, equipment, apparatus, mechanism or



thing that may emit or discharge or from which may be emitted or discharged a contaminant into any part of the natural environment other than water; or

- (b) alter a process or rate of production with the result that a contaminant may be emitted or discharged into any part of the natural environment other than water or the rate or manner of emission or discharge of a contaminant into any part of the natural environment other than water may be altered,

unless he has first obtained a certificate of approval issued by the Director for the methods or devices or both to be employed to control or prevent the emission or discharge of any contaminant into any part of the natural environment other than water. 1972, c. 106, s. 2, *part*; 1974, c. 20, s. 4.

Director:  
signature  
material

- (2) The Director may require an applicant for a certificate of approval under subsection 1 to submit any plans, specifications and other information and to carry out and report on any tests or experiments relating to the plant, structure, equipment, apparatus, mechanism or thing or to the methods and devices to be employed to control or prevent the emission or discharge of any contaminant into any part of the natural environment other than water and, subject to subsection 4, the Director may issue a certificate of approval.

Exceptions

- (3) Subsection 1 does not apply to,
  - (a) routine maintenance carried out on any plant, structure, equipment, apparatus, mechanism or thing;
  - (b) equipment for the combustion of fuel, other than waste incinerators, in buildings or structures designed for the housing of not more than three families;
  - (c) any equipment, apparatus, mechanism or thing in or used in connection with a building or structure designed for the housing of not more than three families where such equipment, apparatus, mechanism or thing may produce sound or vibration;
  - (d) any plant, structure, equipment, apparatus, mechanism or thing that may be a source of contaminant of a class exempted therefrom by the regulations;
  - (e) any plant, structure, equipment, apparatus, mechanism or thing used in agriculture.

- (f) any motor or motor vehicle that is subject to the provisions of Part III.

Powers of  
Director

- (4) The Director may refuse to issue a certificate of approval or may issue a certificate of approval on such terms and conditions or alter any terms and conditions in a certificate of approval as he considers necessary,

- (a) to ensure that any construction, alteration, extension or replacement that is referred to in clause a of subsection 1 or that any alteration of a process or rate of production that is referred to in clause b of subsection 1, or the methods or devices or both employed to control or prevent the emission or discharge of any contaminant into any part of the natural environment other than water, will result in compliance with this Act and the regulations and any order or approval thereunder;

- (b) on probable grounds, to prevent or alleviate a nuisance, a hazard to the health or safety of any person or impairment of the quality of the natural environment for any use that can be made of it. 1972, c. 106, s. 2, *part*.

9. REPEALED: 1972, c. 106, s. 2.

Submission  
of program

- 10.—(1) A person responsible for a source of contaminant may submit to the Director a program to prevent or to reduce and control the addition to, emission or discharge into the natural environment of any contaminant from the source of contaminant.

Referral of  
program

- (2) When a program referred to in subsection 1 is submitted to the Director, the Director may, with the consent of the Minister, refer the program to the Environmental Council for its consideration and advice.

Approval of  
program

- (3) The Director may issue an approval to be known as a "program approval", directed to the person who submitted the program. 1971, c. 86, s. 10.

Contents of  
approval

- 11. The Director shall, in a program approval,
  - (a) set out the name of the person to whom the approval is directed;
  - (b) set out the location and nature of the source of contaminant;

- (c) set out the details of the program; and
- (d) approve the program. 1971, c. 86, s. 11.

**12.** Notwithstanding the issue of a program approval, when the Director is of the opinion, based upon reasonable and probable grounds, that it is necessary or advisable for the protection or conservation of the natural environment, the prevention or control of an immediate danger to human life, the health of any persons or to property, the Director may issue a stop order or a control order directed to the person responsible. 1971, c. 86, s. 12.

**13.—(1)** Every person who,

- (a) deposits in, adds to, emits or discharges into the natural environment; or
- (b) is the person responsible for a source of contaminant that deposits in, adds to, emits or discharges into the natural environment,

Ministry to be notified when contaminant exceeds permitted level

any contaminant in an amount, concentration or level in excess of that prescribed by the regulations shall forthwith notify the Ministry of the deposit, addition, emission or discharge, as the case may be.

(2) Subsection 1 does not apply to animal wastes disposed of in accordance with normal farming practices. 1971, c. 86, s. 13; 1972, c. 1, s. 1.

**14.—(1)** Notwithstanding any other provision of this Act or the regulations, no person shall deposit, add, emit or discharge a contaminant or cause or permit the deposit, addition, emission or discharge of a contaminant into the natural environment that,

- (a) causes or is likely to cause impairment of the quality of the natural environment for any use that can be made of it;
- (b) causes or is likely to cause injury or damage to property or to plant or animal life;
- (c) causes or is likely to cause harm or material discomfort to any person;
- (d) adversely affects or is likely to adversely affect the health of any person;

Exception

- (e) impairs or is likely to impair the safety of any person; or
  - (f) renders or is likely to render any property or plant or animal life unfit for use by man. 1972, c. 106, s. 3.
- (2) Clause a of subsection 1 does not apply to animal wastes disposed of in accordance with normal farming practices. 1971, c. 86, s. 14 (2).

Exception

When Ministry to be notified

**15.—(1)** Every person who deposits, adds, emits or discharges a contaminant or causes or permits the deposit, addition, emission or discharge of a contaminant into the natural environment out of the normal course of events that,

- (a) causes or is likely to cause impairment of the quality of the natural environment for any use that can be made of it;
- (b) causes or is likely to cause injury or damage to property or to plant or animal life;
- (c) causes or is likely to cause harm or material discomfort to any person;
- (d) adversely affects or is likely to adversely affect the health of any person;
- (e) impairs or is likely to impair the safety of any person; or
- (f) renders or is likely to render any property or plant or animal life unfit for use by man,

shall forthwith notify the Ministry. 1972, c. 106, s. 4.

Exception

(2) Subsection 1 does not apply to animal wastes disposed of in accordance with normal farming practices. 1971, c. 86, s. 15 (2).

Application of Part not restricted

**16.** Unless otherwise required by the context, the provisions of this Part also apply to the subject-matter of the individual Parts of this Act. 1971, c. 86, s. 16.

Minister may order payment of damage

**17.** Where any person causes or permits the deposit, addition, emission or discharge into the natural environment of a contaminant that injures or damages land, water, property or plant life, the Minister, where he is of the opinion that it is in

the public interest so to do, may order such person to do all things and take all steps necessary to repair the injury or damage 1971, c. 86, s. 17

18. When, in the opinion of the Director, based upon reasonable and probable grounds, it is necessary or advisable for the protection or conservation of the natural environment to do so, the Director may, by an order directed to any person, require that person to have on hand and available at all times such equipment and material as the order specifies to alleviate the effect of any contamination of the natural environment that may be caused or permitted by the person to whom the order is directed. 1971, c. 86, s. 18.

19.—(1) An order or approval of the Minister or the Director under this Act is binding upon the successor or assignee of the person to whom it is directed.

(2) The Ministry shall maintain an alphabetical index record of the names of all persons to whom orders or approvals are directed under this Act.

(3) When an order or approval has expired or is revoked, the Ministry shall remove from the index record the name of the person to whom the order or approval is directed.

(4) The Ministry shall, upon the request of any person, make a search of the index record and inform the person making the request as to whether or not the name of a particular person appears in the index record and shall permit inspection of any order or approval relating to that person. 1971, c. 86, s. 19; 1972, c. 1, s. 1.

20. The provisions of this Act are binding upon the Crown. 1971, c. 86, s. 20.

21.—(1) Unless revoked or amended by the regulations made under this Act, the regulations made under *The Air Pollution Control Act, 1967* that are in force immediately before this Act comes into force, shall remain in force as regulations made under this Act.

(2) Every report, recommendation, approval, order and notice made or given under *The Air Pollution Control Act, 1967* shall be deemed to be made or given, as the case may be, under this Act.

(3) Where any proceeding has been commenced before the Air Pollution Control Advisory Board, such proceeding shall be transferred to the Board under this Act.

Continuation  
of proceedings

(4) The Board may continue any proceeding referred to in subsection 3 upon receipt of a transcript, and may require the preparation and delivery of such transcript, of the proceeding certified by the secretary of the Air Pollution Control Advisory Board, or may require the proceeding or any part thereof to be commenced *de novo*.

Powers and  
duties of  
Board where  
proceedings  
transferred

(5) For the purpose of a proceeding referred to in subsection 3, the Board has the like powers and duties as the Air Pollution Control Advisory Board. 1971, c. 86, s. 21.

### PART III

#### MOTORS AND MOTOR VEHICLES

Interpre-  
tation

22. In this Part,

(b) "motor" means an internal combustion engine;

(c) "motor vehicle" means a vehicle that uses or incorporates a motor as a source of power. 1971, c. 86, s. 22; 1974, c. 20, s. 5.

Sale of motor  
or vehicle  
that does not  
comply with  
regulations

23.—(1) No person shall sell, offer or expose for sale, a motor or motor vehicle that does not comply with the regulations.

Where system  
or component  
is not  
installed on  
motor vehicle

(2) Where a manufacturer installs on, attaches to or incorporates in any motor or motor vehicle, a system or device to prevent or lessen the emission of any contaminant, no person shall sell, offer or expose for sale, such motor or motor vehicle unless the motor or motor vehicle has such system or device so installed, attached or incorporated and such system or device, when the motor or motor vehicle is operating, complies with the regulations.

Repair or  
replacement  
of system  
or device

(3) Where a manufacturer installs on, attaches to or incorporates in any motor or motor vehicle, a system or device to prevent or lessen the emission of any contaminant, no person shall remove or cause or permit the removal of such system or device from such motor or motor vehicle, except for repair of such system or device or for replacement of such system or device by a system or device of the same type. 1973, c. 94, s. 2, *part*.

Operation  
of motor or  
motor vehicle

24.—(1) Except where necessary for test or repair purposes, no person shall operate or cause or permit the operation of a



motor or motor vehicle or any class or type thereof that does not comply with the regulations.

(2) Where a manufacturer installs on, attaches to or incorporates in any motor or motor vehicle a system or device to prevent or lessen the emission of any contaminant, the owner of such motor or motor vehicle shall not operate or cause or permit the operation of such motor or motor vehicle nor shall any person knowingly operate or cause or permit its operation unless such motor or motor vehicle has installed on, attached to or incorporated in it such system or device, and such system or device operates in accordance with the regulations when the motor or motor vehicle is in operation. 1973, c. 94, s. 2, *part*.

## PART IV

### WATER

**25. REPEALED:** 1974, c. 20, s. 6.

**26. REPEALED:** 1974, c. 20, s. 7.

**26a.—(1)** In this section,

(a) "ice shelter" means any structure that is located on or over ice over any water for more than one day and that is or may be used for shelter, privacy or the storage or sale of any thing;

(b) "owner", when used in relation to an ice shelter, includes a person who has the right to use or occupy the ice shelter;

(c) "waste" means human excrement or any refuse that is discharged or deposited in or from an ice shelter.

(2) No person shall discharge or deposit or cause or permit to be discharged or deposited any waste upon or over the ice over any water except in accordance with the regulations.

(3) Except as provided in subsection 4, where an ice shelter is placed or allowed to remain on ice over any water in contravention of any provision of the regulations, a provincial officer may remove the ice shelter or cause it to be removed,

(a) where the provincial officer is able to determine the name and address of the owner, after service of notice upon the owner at least seven days before the date of the removal; or

(b) where the provincial officer is unable to determine the name and address of the owner, forthwith.

(4) Where an ice shelter is placed or allowed to remain on ice over any water beyond the dates prescribed by the regulations within which ice shelters may be placed, allowed to remain or used on or over ice over any water, a provincial officer may remove the ice shelter or cause it to be removed without serving prior notice upon the owner, but where the provincial officer is able to determine the name and address of the owner, notice of the removal shall be served upon the owner forthwith after the removal.

(5) Except where an ice shelter has been destroyed in the course of removal, the owner of an ice shelter that has been removed pursuant to subsection 3 or 4 may take possession of the ice shelter within thirty days of the removal or of service of the notice mentioned in subsection 3, whichever is later, or within thirty days after service of the notice mentioned in subsection 4, as the case requires, upon payment to the Treasurer of Ontario of the costs and charges for removal and storage of the ice shelter.

(6) Where the owner of an ice shelter that has been removed pursuant to subsection 3 or 4 does not take possession of the ice shelter pursuant to subsection 5,

(a) a provincial officer may dispose of the ice shelter without compensation therefor; and

(b) the owner is divested of ownership of the ice shelter and, where the ice shelter is disposed of to any person, such person shall acquire ownership of the ice shelter free from any right, title or interest of any other person.

(7) A notice under subsection 3 or 4 shall be in such form as the regulations may prescribe and shall state that the owner may take possession of the ice shelter pursuant to subsection 5 and that, if such owner does not so take possession, the ice shelter may be disposed of without compensation therefor and, where the ice shelter has been removed or caused to be removed pursuant to subsection 4 and has been damaged or destroyed in the course of the removal, the notice shall state the condition of the ice shelter.

(8) A provincial officer shall use due care in removing an ice shelter pursuant to subsection 3 or 4 but may use a means of removal that causes damage to or the destruction of the ice shelter if the use of the means of removal is necessary in order to carry out the removal.

Idem.  
out of  
season

Where owner  
may retake  
possession  
of ice  
shelter

Where  
provincial  
officer  
disposes  
of ice  
shelter

Notice

Means of  
removal

9) Where an ice shelter is removed pursuant to subsection 3 or 4 and the means of removal that is necessary in the circumstances results in damage to or the destruction of the ice shelter, the owner of the ice shelter is not entitled to compensation for the damage or destruction. 1973, c. 94, s. 4, *part*.

**26b.** REPEALED: 1974, c. 20, s. 8.

**27.**—(1) Unless revoked or amended by the regulations made under this Act,

(a) Regulation 644 of Revised Regulations of Ontario, 1970; and

(b) Regulation 646 of Revised Regulations of Ontario, 1970,

are amended from time to time shall remain in force as regulations made under this Act. 1971, c. 86, s. 27 (1).

2. Every order, direction, requirement and permit given or made under section 26, 27a, 27b or 50 of *The Ontario Water Resources Commission Act* shall be deemed to be made or given, as the case may be, under this Act and every such order, direction, requirement and permit, except an order under section 26 of that Act, shall continue in force until revoked, suspended or varied by the Director. 1971, c. 86, s. 27 (2); 1974, c. 20, s. 9 (1).

3. The Director may by order revoke, suspend or vary an order, direction or requirement referred to in subsection 2, other than an order under section 26 of *The Ontario Water Resources Commission Act*, in order to,

(a) carry out the purposes of this Act; and

(b) require any person or source of contaminant to comply with the provisions of this Act and the regulations. 1971, c. 86, s. 27 (3).

4. REPEALED: 1974, c. 20, s. 9 (2).

5. In the case of an order under section 26 of *The Ontario Water Resources Commission Act*, the Director may apply to court to continue, vary or terminate the order on such terms and conditions as the judge considers proper. 1971, c. 86, s. 27 (5). R.S.O. 1960, c. 281.

## PART V

## WASTE MANAGEMENT

## Interpretation

**28.** In this Part,

(b) "operator" means the person in occupation or having the charge, management, or control of a waste management system or a waste disposal site;

(c) "owner" includes,

(i) a person that is responsible for the establishment or operation of a waste management system or waste disposal site, or

(ii) the person that owns the land in or on which a waste disposal site is located;

(ca) "owner" in section 46a, means a person that is responsible for the operation of a well that is a waste disposal site;

(d) "waste" includes ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse and such other wastes as are designated in the regulations;

(e) "waste disposal site" means any land or land covered by water upon, into, in or through which, or building or structure in which, waste is deposited or processed and any machinery or equipment or operation required for the treatment or disposal of waste;

(f) "waste management system" means all facilities, equipment and operations for the complete management of waste, including the collection, handling, transportation, storage, processing and disposal thereof, and may include one or more waste disposal sites. 1971, c. 86, s. 28; 1972, c. 1, s. 69 (2); 1972, c. 106, s. 5; 1974, c. 20, s. 10.

## Application of Part

**29.** This Part does not apply to the storage or disposal by any person of his domestic wastes on his own property unless the Director is of the opinion, based upon reasonable and probable grounds, that such storage or disposal is or is likely to create a nuisance, or to any sewage or other works to which *The Ontario Water Resources Act* or the regulations thereunder apply. 1971, c. 86, s. 29; 1972, c. 106, s. 6.

R.S.O. 1970  
c. 332

R.S.O. 1960,  
c. 281

**30.** No waste management system that is in operation or waste disposal site that is in use when this Act comes into force shall be operated or used.

- (a) after a certificate of approval has been refused, or
- (b) where a certificate of approval or provisional certificate of approval has been issued except in accordance with the terms and conditions of such certificate 1971, c. 86, s. 30

**31.** No person shall use, operate, establish, alter, enlarge or extend  
Where emergency situation exists

- (a) a waste management system, or
- (b) a waste disposal site,

unless a certificate of approval or provisional certificate of approval therefor has been issued by the Director and except in accordance with any conditions set out in such certificate. 1971, c. 86, s. 31

**32.** No by-law for raising money to finance any work under section 31 shall be passed by the council of a municipality until a certificate of approval or a provisional certificate of approval has been issued therefor 1971, c. 86, s. 32.

**33.** Where the Minister reports in writing to the clerk of a municipality that he is of the opinion that it is necessary in the public interest that waste be collected or a waste management system or any part thereof be established, maintained, operated, improved, extended, enlarged, altered, repaired or replaced, it is not necessary to obtain the assent of the electors to any by-law for incurring a debt for any such purpose, and the municipality shall forthwith do every possible act and thing in its power to implement the report of the Minister within the time specified. 1971, c. 86, s. 33

**33a.**—(1) Where the Director receives an application for a certificate of approval for the use, operation, establishment, alteration, enlargement or extension of a waste disposal site for the disposal of hauled liquid industrial waste or hazardous waste as designated in the regulations or any other waste that the Director ascertains, having regard to the nature and quantity of the waste, is the equivalent of the domestic waste of not less than 1,500 persons, the Director shall, before issuing or refusing to issue the certificate of approval, hold a public hearing. 1972, c. 106, s. 7, *part*; 1974, c. 20, s. 11.

Notice of hearing

(2) At least fifteen days notice of the hearing shall be given to the clerk of the municipality in or into which it is proposed to use, operate, establish, alter, enlarge or extend the waste disposal site and to the owners or occupants of the lands adjoining the land upon or in which the waste disposal site is or is intended to be located and to such other persons and in such manner as the Director may direct and such notice shall be published once a week for three consecutive weeks in a newspaper having general circulation in the locality where the waste disposal site is or is intended to be located provided there is a newspaper having general circulation in the locality and published at least once a week. 1972, c. 106, s. 7, *part*; 1974, c. 20, s. 11.

**33b.** Notwithstanding the provisions of section 33a, where, in the opinion of the Director, an emergency situation exists by reason of,

- (a) danger to the health or safety of any person;
- (b) impairment or immediate risk of impairment of the quality of the natural environment for any use that can be made of it; or
- (c) injury or damage or immediate risk of injury or damage to any property or to any plant or animal life,

and the emergency situation will be alleviated by the use, operation, establishment, alteration, enlargement or extension of a waste disposal site, the Director may issue a certificate of approval therefor without holding a public hearing. 1972, c. 106, s. 7, *part*; 1974, c. 20, s. 11.

Where public hearing may be held

**33c.**—(1) Where the Director receives an application for a certificate of approval for the use, operation, establishment, alteration, extension or enlargement of,

- (a) a waste management system that does not include a waste disposal site referred to in section 33a; or
- (b) a waste disposal site other than a waste disposal site referred to in section 33a,

the Director may, before issuing or refusing to issue the certificate of approval, hold a public hearing. 1972, c. 106, s. 7, *part*; 1974, c. 20, s. 11.

(2) Where a hearing is held under subsection 1, at least fifteen days notice shall be given to the clerk of the municipality.

Notice of hearing



pality in or into which it is proposed to use, operate, establish, alter, extend or enlarge the waste management system or waste disposal site and to the owners or occupants of the lands adjoining any land upon or in which the waste disposal site is located or is intended to be located and to such other persons and in such manner as the Director may direct. 1972, c. 106, s. 7, *part*; 1974, c. 20, s. 11.

**33d.**—(1) Where the Director is required or permitted to hold a hearing under this Act, he may by a notice in writing, and on such terms and conditions as he may direct, require the Environmental Assessment Board to hold the hearing, holding public hearing. *Director to hold hearing, Environmental Assessment Board* 1972, c. 106, s. 7, *part*; 1974, c. 20, s. 11; 1975, c. 70, s. 2.

(2) Upon receipt of notice from the Director, the Environmental Assessment Board shall hold a public hearing with respect to the subject-matter of the notice and shall report thereon to the Director. 1972, c. 106, s. 7, *part*; 1974, c. 20, s. 11; 1975, c. 70, s. 2.

(3) Except where otherwise provided in this Act and notwithstanding the requirement that a hearing be a public hearing, the provisions of Part III of *The Environmental Assessment Act*, 1975 apply where a hearing is required to be held under subsection 1 by the Environmental Assessment Board. 1975, c. 70, s. 3 (1).

(3a) Subsections 12 and 14 to 20 of section 18 and sections 20 and 24 of *The Environmental Assessment Act*, 1975 do not apply where a hearing is required to be held under subsection 1 by the Environmental Assessment Board.

(3b) Where a hearing is required to be held under subsection 1 by the Environmental Assessment Board,

(a) the Board shall determine its own practice and procedure in relation to hearings and may, subject to the approval of the Lieutenant Governor in Council, make rules governing such practice and procedure and the exercise of its powers in relation thereto and prescribe such forms as are considered advisable.

(b) the member or members conducting a hearing shall prepare and submit to the Board a draft report of the Board referred to in clause e and, after notice of the purpose of the meeting has been given to all members of the Board, the Board shall consider the draft report at a meeting of the Board called for the purpose of preparing the report and the Board in preparing the report may,

- (i) adopt the draft report,
- (ii) adopt the draft report with such changes as the Board considers advisable, or
- (iii) reject the draft report and take such other action for the purpose of preparing the report, including the holding of additional hearings, as the Board considers advisable;

(c) a hearing by the Board is for the purpose of making a report containing information and advice and the report is not in any way legally binding in any decision or determination that may be made;

(d) for the purposes of the exercise of any power or authority or the discharge of any duty by the Board or any member or members thereof conducting a hearing, the Board, or such member or members, has or have the powers of a commission under Part II of *The Public Inquiries Act*, 1971, which Part applies to the exercise of such power or authority and the discharge of such duty as if it were an inquiry under that Act; and

(e) the report of the Board shall contain a summary of the information presented and the views expressed at the hearing and its recommendations in respect of the subject-matter of the hearing, together with its reasons therefor. 1975, c. 70, s. 3 (2).

Director to consider to issue of Environmental Assessment Board

(4) Where the Director requires the Environmental Assessment Board to hold a public hearing, the Director shall not issue or refuse to issue a certificate of approval until he has refused and considered the report of the Environmental Assessment Board. 1972, c. 106, s. 7, *part*; 1974, c. 20, s. 11; 1975, c. 70, s. 2.

**33e.** REPEALED: 1974, c. 20, s. 12

**34.** No certificate of approval shall be issued to an applicant other than a municipality unless the applicant has,

- (a) deposited a sum of money; or
- (b) furnished a surety bond; or
- (c) furnished personal sureties,

Condition precedent to issue of certificate

in such amount and upon such conditions as the regulations prescribe to assure satisfactory maintenance of the waste management system or the waste disposal site or the removal of waste from the site if the Director considers such removal necessary. 1971, c. 80, s. 34

**35.**—(1) Where a by-law of a municipality affects the location or operation of a proposed waste disposal site, the Minister, upon the application of the person applying for a certificate of approval for the waste disposal site, may, by a notice in writing, and on such terms and conditions as he may direct, require the Environmental Assessment Board to hold a public hearing to consider whether or not the by-law should apply to the proposed waste disposal site. 1972, c. 106, s. 8, *part*; 1975, c. 70, s. 2.

(2) Upon receipt of notice from the Minister, the Environmental Assessment Board shall hold a public hearing with respect to the subject-matter of the notice and shall report thereon to the Minister. 1972, c. 106, s. 8, *part*; 1975, c. 70, s. 2.

(3) Except where otherwise provided in this Act and notwithstanding the requirement that a hearing be a public hearing, the provisions of Part III of *The Environmental Assessment Act*, 1975 apply where a hearing is required to be held under subsection 1 by the Environmental Assessment Board. 1975, c. 70, s. 4 (1).

(3a) The provisions of subsections 3a and 3b of section 33d apply where a hearing is required to be held under subsection 1 by the Environmental Assessment Board. 1975, c. 70, s. 4 (2).

(4) Where the Minister requires a public hearing under subsection 1,

(a) the applicant, the municipality and any other person specified by the Environmental Assessment Board shall be given notice of the hearing in such manner as the Environmental Assessment Board directs; and

(b) the Environmental Assessment Board shall hold the public hearing within the municipality within which it is proposed to locate the waste disposal site. 1972, c. 106, s. 8, *part*; 1975, c. 70, s. 2.

(5) The Minister, after receiving the report of the Environmental Assessment Board, may order that the by-law

Return of deposit

**36.** The deposit mentioned in clause a of section 34 may be returned to the depositor upon such terms and conditions as the regulations prescribe. 1971, c. 86, s. 36.

**37. REPEALED:** 1972, c. 106, s. 9.

Information to be furnished

**38.** An applicant for a certificate of approval shall submit to the Director plans and specifications of the work to be undertaken together with such other information as the Director may require. 1971, c. 86, s. 38.

Powers of Director

**39.**—(1) The Director after considering an application for a certificate of approval, may issue a certificate of approval or provisional certificate of approval. 1971, c. 86, s. 39 (1); 1972, c. 106, s. 10 (1); 1974, c. 20, s. 13 (1).

Powers of Director

(2) The Director may,

(a) refuse to issue or renew;

(b) suspend or revoke; or

(c) impose, alter or revoke terms and conditions in,

a certificate of approval or provisional certificate of approval where,

(d) the waste management system or the waste disposal site does not comply with this Act or the regulations; or

(e) he considers, upon probable grounds, that the use, establishment, operation, alteration, enlargement or extension of the waste management system or the waste disposal site may create a nuisance, is not in the public interest or may result in a hazard to the health or safety of any person. 1972, c. 106, s. 10 (2); 1974, c. 20, s. 13 (2).

Prohibition as to deposit of waste

**40.** No person shall deposit waste upon, in, into or through any land or land covered by water or in any building that is not a waste disposal site for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of such certificate. 1971, c. 86, s. 40; 1972, c. 106, s. 11.

**41.** No person shall use any facilities or equipment for the storage, handling, treatment, collection, transportation, processing or disposal of waste that is not part of a waste management system for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of such certificate. 1971, c. 86, s. 41.

**42.**—(1) Where waste has been deposited upon, in, into or through any land or land covered by a waste or in any building that has not been approved as a waste disposal site, the Director may order the occupant or the person having charge and control of such land or building to remove the waste and to restore the site to a condition satisfactory to the Director. 1971, c. 86, s. 42 (1); 1972, c. 106, s. 12 (1); 1974, c. 20, s. 14.

(2) Where a person to whom an order is directed under subsection 1 fails to comply with the order, the Director may cause the necessary work to be done and charge such person with the cost thereof, which may be recovered with costs in any court of competent jurisdiction. 1971, c. 86, s. 42 (2); 1972, c. 106, s. 12 (2); 1974, c. 20, s. 14.

**43.** Where a waste management system or a waste disposal site is not in conformity with this Part or the regulations, the Director may order the owner to take such action as he may require to bring the system or the site into conformity with this Part or the regulations within the time specified in the order. 1971, c. 86, s. 43; 1972, c. 106, s. 13; 1974, c. 20, s. 14.

**44.** Where an owner fails to comply with an order under section 43, the Director may cause the necessary work to be done and charge the owner with the cost thereof, in the case of an owner other than a municipality, may be deducted from the deposit mentioned in section 34, or may be recovered with costs in any court of competent jurisdiction. 1971, c. 86, s. 44; 1972, c. 106, s. 14; 1974, c. 20, s. 14.

**45.**—(1) Within thirty days after the receipt of notice that the Director has refused to renew or has suspended or revoked a certificate of approval, any owner who has suffered pecuniary loss as a result of such decision affecting his waste disposal site or waste management system may apply to the Director for compensation for such loss where such owner.

(a) has received a certificate of approval for the waste disposal site or waste management system affected by the Director's decision; and

(b) since receiving such certificate of approval, has strictly complied with this Act and the regulations. 1971, c. 86, s. 45 (1); 1972, c. 106, s. 15 (1); 1974, c. 20, s. 14.

(2) A notice of the decision of the Director in disposing of the application and a notice stating the right to an appeal under this section shall be served on the owner either personally or by registered mail addressed to the owner at his last known address. 1971, c. 86, s. 45 (2); 1972, c. 106, s. 15 (2); 1974, c. 20, s. 14.

(3) Within fifteen days after receipt of the notices referred to in subsection 2, the owner may by written notice received by the Ministry and the Board, appeal the amount of compensation, if any, to the Board, and such appeal shall be a hearing *de novo* and the Board may dismiss the appeal or alter the decision of the Director establishing the amount of the compensation, if any, and the decision of the Board shall be final. 1971, c. 86, s. 45 (3); 1972, c. 1, s. 1; 1972, c. 106, s. 15 (3); 1974, c. 20, s. 14.

(4) Where the Director or the Board, as the case may be, has established the amount of the compensation, if any, the Minister shall certify the amount thereof to the Treasurer of Ontario and the Treasurer shall pay such amount to the person entitled thereto out of the Consolidated Revenue Fund. 1971, c. 86, s. 45 (4); 1972, c. 106, s. 15 (4); 1974, c. 20, s. 14.

**46.** No use shall be made of land or land covered by water which has been used for the disposal of waste within a period of twenty-five years from the year in which such land ceased to be so used unless the approval of the Minister for the proposed use has been given. 1971, c. 86, s. 46.

**46a.**—(1) There shall be an account in the Consolidated Revenue Fund to be known as "The Waste Well Disposal Security Fund", referred to in this section as the "Fund", into which shall be paid the prescribed fees received under this Act

(2) Interest shall be credited to the Fund out of the Consolidated Revenue Fund at a rate to be determined from time to time by the Lieutenant Governor in Council, and such interest shall be made up at the close of each fiscal year upon the balance in the Fund at the end of the previous calendar year.

Notice of decision and right to appeal

Right to appeal

Payment of compensation

Former disposal sites

Security Fund

Interest



- (3) The owner of every well that is a waste disposal site shall pay a fee calculated upon the amount and type of waste disposed of in the well.
- (4) The fee shall be paid to the Treasurer of Ontario for payment into the Fund.
- (5) The fee shall be at the rate or rates prescribed by the regulations, shall be paid upon the amount and type of waste disposed of in the well in each calendar year and shall be paid in advance in each calendar year. 1972, c. 106, s. 16, *part*.
- (6) The Director shall estimate the amount of the fee for each calendar year based upon the amount and type of waste disposed of in the well in the previous calendar year and where waste was not disposed of in the well in the previous calendar year the Director shall estimate the fee on the basis of the amount and type of waste that in his opinion will be disposed of in the well in the current calendar year and may revise such estimate at any time before payment of the estimated fee as required by subsection 7. 1972, c. 106, s. 16, *part*; 1974, c. 20, s. 15.
- (7) The estimated fee for each calendar year shall be paid within thirty days after receipt of the notice or revised notice by the owner of the well of the amount of the fee estimated by the Director. 1972, c. 106, s. 16, *part*; 1974, c. 20, s. 15.
- (8) At the end of each calendar year, the Director shall calculate the amount of the fee for the year and,
- (a) where the fee estimated and paid for the year is less than the calculated fee, the Director shall add the difference to the estimated fee for the next calendar year or may, by a notice in writing, require the owner of the well to pay the difference forthwith to the Treasurer of Ontario; and
- (b) where the fee estimated and paid for the year is greater than the calculated fee, the Director shall deduct the difference from the estimated fee for the next calendar year or may certify to the Treasurer of Ontario the amount of such difference and the Treasurer shall pay such amount to the owner of the well. 1972, c. 106, s. 16, *part*; 1974, c. 20, s. 15.
- (9) Where the water in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse that any person takes for ordinary household purposes or for the watering

of live stock, poultry, home gardens or lawns, or for the watering or irrigation of crops grown for sale, is rendered unfit for such use by reason of the operation of any well that is a waste disposal site, the person is entitled to have compensation paid to him out of the Fund so far as the Fund is sufficient for that purpose, having regard to any other charges thereon, if he gives notice to the Director forthwith after becoming aware that the water has been rendered unfit and makes a claim therefor under subsection 10 within six months, or such longer period of time as may be determined by the Director, from the date that the Director received the notice that the water has been rendered unfit. 1972, c. 106, s. 16, *part*; 1974, c. 20, s. 15.

Claim for compensation

(10) A person claiming to be entitled to compensation out of the Fund shall make application therefor to the Director in writing, setting out therein his full name and address and the particulars of his claim and shall furnish to the Director such additional information with respect to the subject-matter of the claim that the Director may require and that is within his knowledge. 1972, c. 106, s. 16, *part*; 1974, c. 20, s. 15.

Determination by Director

(11) The Director shall investigate or cause an investigation to be made and shall determine whether there are reasonable grounds for believing that the water referred to in subsection 9 has been rendered unfit for any of the purposes set out therein and for which it was used and that it has been rendered unfit by the disposal of waste in any well that is a waste disposal site and in such case shall determine the amount of the claimant's reasonable and necessary expenses incurred in obtaining an alternate supply of water substantially equivalent in quantity and quality to such water. 1972, c. 106, s. 16, *part*; 1974, c. 20, s. 15.

Director's certificate

(12) The Director shall set out his determination in a certificate together with written reasons therefor and send a copy thereof to the claimant by registered mail at the address set out in the application. 1972, c. 106, s. 16, *part*; 1974, c. 20, s. 15.

When certificate final

(13) The certificate of the Director is final at the end of thirty days from the date of mailing it to the claimant unless notice of appeal is served within that time. 1972, c. 106, s. 16, *part*; 1974, c. 20, s. 15.

Appeal

(14) The claimant may appeal to the Board at any time before the certificate of the Director becomes final

(3) Every notice, report, recommendation, decision and order made or given under *The Waste Management Act* shall be deemed to be made or given, as the case may be, under this Act.

Subsisting notices.  
R.S.O. 1970,  
c. 491

(4) Every regulation made under *The Waste Management Act* that is in force immediately before this Act comes into force shall remain in force until revoked by the regulations.

Subsisting regulations

(5) The Board may continue any proceeding referred to in subsection 2 upon receipt of a transcript, and may require the preparation and delivery of such transcript, of the proceeding certified by the chairman or vice-chairman of the Advisory Board or the Appeal Board under *The Waste Management Act*, or may require the proceeding or any part thereof to be commenced *de novo*.

Continuation of proceed-  
ings

(6) For the purpose of a proceeding referred to in subsection 2, the Board has the like powers and duties as the Advisory Board or the Appeal Board, as the case may be, under *The Waste Management Act*. 1971, c. 86, s. 48.

Powers and duties of Board when proceedings transferred

(7) An approval of the disposal of waste or mineral water as waste in an underground formation given or made under *The Petroleum Resources Act, 1971*, or any predecessor thereof, or the regulations thereunder shall be deemed to be a certificate of approval under this Part and shall continue in force according to its terms and the Director may amend or revoke the approval in accordance with this Act and the regulations thereunder. 1972, c. 1, s. 69 (3).

Waste disposal in wells  
1971, c. 94

## PART VI

### ABANDONED MOTOR VEHICLES

#### 49. In this Part,

Interpre-  
tation

(a) "abandoned motor vehicle" means a vehicle that has been left unattended without lawful authority and that appears to an officer, by reason of its age, appearance, mechanical condition or lack of licence plates, to be abandoned;

(b) "abandoned motor vehicle site" means,

(i) a waste disposal site,

A. that is classified by the regulations as a derelict motor vehicle site,

B. that is not exempt under the regulations relating to Part V or Part VI, and

and the procedure thereon shall be the same as upon an appeal from an order of the Director under Part X. 1972, c. 106, s. 16, *part*; 1974, c. 20, s. 15.

(15) Where the Director has sent his certificate by registered mail to the claimant and the time for any appeal has expired or, where an appeal is taken, it is disposed of, and it is finally determined that the claimant is entitled to payment of compensation out of the Fund, the Director shall certify to the Treasurer of Ontario the sum found to be payable and the Treasurer shall pay such sum to the claimant out of the Fund. 1972, c. 106, s. 16, *part*; 1974, c. 20, s. 15.

Payment out  
of Fund

(16) Where a claimant who has received any payment out of the Fund recovers any moneys, directly or indirectly, from the owner of a well that is a waste disposal site, in respect of the expenses for which the payment was made out of the Fund, the claimant shall repay to the Treasurer of Ontario for credit to the Fund an amount equal to the payment out of the Fund or the moneys received from the owner of the well, whichever is the lesser, and such amount may be recovered with costs in any court of competent jurisdiction as a debt due to the Crown.

(17) Any fee or any difference between the estimated fee and the calculated fee referred to in clause a of subsection 8 that is payable under this section may be recovered in any court of competent jurisdiction as a debt due to the Crown. 1972, c. 106, s. 16, *part*.

Recovery of fees owing

#### Offences

47. Every person or municipality that contravenes any provision of this Part or the regulations or fails to comply with an order made under section 42 or 43 or fails to comply with any term or condition of a certificate of approval or provisional certificate of approval is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000 for every day or part thereof upon which such offence occurs or continues. 1971, c. 86, s. 47; 1972, c. 106, s. 17.

48.—(1) Every application for a certificate of approval, every refusal of a certificate of approval and every certificate of approval or provisional certificate of approval issued under *The Waste Management Act* shall be deemed to be made, refused or issued, as the case may be, under this Act.

Existing applications, certificates, etc.

R.S.O. 1970,  
c. 491

(2) Where any proceeding has been commenced before the Advisory Board or the Appeal Board under *The Waste Management Act*, such proceeding shall be transferred to the Board under this Act.

Transfer of proceedings

C. for which a certificate of approval or a provisional certificate of approval has been issued pursuant to Part V, or

- (ii) any place that is approved in writing by the Director for the purpose of receiving and storing abandoned motor vehicles;

(d) "officer" means a provincial officer or a member of the Ontario Provincial Police Force or the police force in the area where an abandoned motor vehicle is found. 1973, c. 94, s. 5, *part*; 1974, c. 20, s. 16.

**50.** An officer may remove or cause to be removed an abandoned motor vehicle to an abandoned motor vehicle site. 1973, c. 94, s. 5, *part*.

**51.** Where an officer has removed an abandoned motor vehicle to an abandoned motor vehicle site, the officer shall forthwith serve notice in writing of the removal on the owner of the vehicle at the latest address shown on the records of the Ministry of Transportation and Communications when the officer causes the records to be examined or on the records, if any, on or in the vehicle unless the name and address of the owner cannot be determined. 1973, c. 94, s. 5, *part*.

**52.** A notice under section 51 shall,

- (a) contain a description of,
- (i) the abandoned motor vehicle,
  - (ii) the place from which and the abandoned motor vehicle site to which the abandoned motor vehicle was removed,
  - (iii) the date of removal, and
  - (iv) the identification of the officer who removed or caused the removal of the abandoned motor vehicle;
- (b) state,

- (i) that if the abandoned motor vehicle is not claimed by the owner or any other person having a right or interest in the vehicle within thirty days from the date of service of the notice, the abandoned motor vehicle will be sold or

otherwise disposed of by the person having the charge and control of the abandoned motor vehicle site, and

- (ii) that the owner shall forthwith upon receipt of the notice notify any person having a right or interest in the abandoned motor vehicle, of whom he has knowledge, of the receipt and contents of the notice of removal. 1973, c. 94, s. 5, *part*.

Where owner may retake possession

**53.** The owner or any person having a right or interest in an abandoned motor vehicle may take possession of the abandoned motor vehicle within thirty days after the date of service of the notice referred to in section 51 or, where notice of removal has not been served, within thirty days after the date of removal of the vehicle on payment to the person having the charge and control of the abandoned motor vehicle site of all costs and charges, if any, for removal of the vehicle to and all costs and charges, if any, for storage of the vehicle at the abandoned motor vehicle site. 1973, c. 94, s. 5, *part*.

Disposal of vehicle

**54.** Where an abandoned motor vehicle has not been claimed by the owner or any person having a right or interest in the abandoned motor vehicle pursuant to section 53 the person having the charge and control of the abandoned motor vehicle site shall sell or otherwise dispose of the vehicle and shall apply the proceeds of the sale or other disposition firstly, in payment of all costs and charges, if any, for removal of the vehicle to the abandoned motor vehicle site, and secondly, in payment of all costs and charges, if any, for storage of the vehicle at the site, and any surplus shall be paid to the Treasurer of Ontario. 1973, c. 94, s. 5, *part*.

**55.** REPEALED: 1974, c. 20, s. 17.

Ownership

**55a.** Where an abandoned motor vehicle is sold or otherwise disposed of pursuant to section 54, the owner or any person having a right or interest in the vehicle is divested of the ownership of or other right or interest in the vehicle and the person who has acquired the vehicle on a disposition pursuant to section 54 acquires the ownership of the vehicle free from any right or interest of any other person in the vehicle. 1973, c. 94, s. 5, *part*.

Compensation

**55b.** Where an owner or other person having a right or interest in an abandoned motor vehicle that is disposed of pursuant to section 54 does not, acting in good faith through any cause beyond his control, receive notice of



removal of the vehicle or does not otherwise acquire knowledge of such removal before the disposition and such owner or other person suffers loss as a result of such disposition, such owner or other person may apply to the Director for compensation upon giving notice to the Director forthwith after becoming aware of the disposition and upon applying therefor pursuant to section 55c within six months from the date the notice of removal, if any, is served or, where no notice of removal is served, from the date of removal of the vehicle to an abandoned motor vehicle site. 1973, c. 94, s. 5, *part*.

**55c.** A person applying for compensation pursuant to section 55b shall make application therefor to the Director in writing, setting out therein his full name and address and the particulars of his claim and shall furnish to the Director such additional information with respect to the subject-matter of the claim that the Director may require and that is within his knowledge. 1973, c. 94, s. 5, *part*.

**55d.** The Director may award compensation under section 55b in such amount and on such terms and conditions as appear just under the circumstances and shall set out his award in a certificate together with written reasons therefor and send a copy thereof to the applicant by registered mail at the address set out in the application. 1973, c. 94, s. 5, *part*.

**55e.** The certificate of the Director is final at the end of thirty days from the date of mailing it to the applicant unless notice final of appeal is served within that time. 1973, c. 94, s. 5, *part*.

**55f.** The applicant may appeal to the Board at any time Appeal before the certificate of the Director becomes final and the procedure thereon shall be the same as upon an appeal from an order of the Director under Part X. 1973, c. 94, s. 5, *part*.

**55g.** Where the Director has sent his certificate by Payment registered mail to the applicant and the time for any appeal has expired or, where an appeal is taken, it is disposed of, and it is finally determined that the applicant is entitled to payment of compensation, the Director shall certify to the Treasurer of Ontario the sum found to be payable and the Treasurer shall pay such sum to the applicant out of the Consolidated Revenue Fund. 1973, c. 94, s. 5, *part*.

**55h.** Where an applicant who has received any payment Recovery of moneys out of the Consolidated Revenue Fund pursuant to section 55g recovers any moneys, directly or indirectly, from any person in respect of the loss for which the payment was made out of the Consolidated Revenue Fund, the applicant shall repay to the Treasurer of Ontario for credit to the Consolidated

Revenue Fund an amount equal to the payment out of the Consolidated Revenue Fund or the moneys received from such person, whichever is the lesser, and such amount may be recovered with costs in any court of competent jurisdiction as a debt due to the Crown. 1973, c. 94, s. 5, *part*.

## PART VII

### SEWAGE SYSTEMS

#### 56. In this Part,

Interpretation

(c) "sewage system" means,

(i) a cesspool, a septic tank system, a leaching pit, a leaching bed, a privy, a privy-vault, a holding tank other than a holding tank to which regulations made under clause n or o of subsection 1 of section 62 of *The Ontario Water Resources Act* apply, a toilet other than a toilet to which regulations made under clause f of subsection 1 of section 62 of *The Ontario Water Resources Act* apply and any other sewage works referred to in clause a or c of subsection 6 of section 42 of *The Ontario Water Resources Act* or any part of any of them, or

R.S.O. 1970,  
c. 332

(ii) works, installations, equipment and operations for the collection, handling, treatment, transportation, storage, processing and disposal of hauled sewage as designated in the regulations, and includes any land used in connection therewith, but does not include plumbing as defined in the regulations under *The Ontario Water Resources Act* 1972, c. 106, s. 23, *part*, 1974, c. 20, s. 18.

Exception

**56a.** Notwithstanding any provision of *The Ontario Water Resources Act*, a sewage system that is subject to the provisions of this Part is not subject to the provisions of *The Ontario Water Resources Act*. 1972, c. 106, s. 23, *part*.

**56b.** REPEALED: 1974, c. 20, s. 19.

**57.** No person shall construct, install, establish, enlarge, extend or alter

Prohibition

Part comes into force in an area to which this Part is made applicable unless a permit for its use or operation has been issued by the Director and, subject to subsection 3, the Director may issue a permit.

(2) Every person who has constructed, installed, established, enlarged, extended or altered a sewage system or any part thereof shall, until a permit under subsection 1 is issued, keep open for inspection or make available for inspection by a provincial officer the sewage system or the part thereof that was constructed, installed, established, enlarged, extended or altered.

Inspection

Where permit not to be issued

(3) The Director shall not issue a permit under subsection 1 where the construction, installation, establishment, enlargement, extension or alteration of the sewage system or part thereof does not comply with a certificate of approval issued therefor under section 57 or contravenes a provision of this Act or the regulations or, where a certificate of approval required under section 57 has not been issued, he considers, upon probable grounds, that the use or operation of the sewage system or part thereof may create a nuisance, is not in the public interest or may result in a hazard to the health or safety of any person until the construction, installation, establishment, enlargement, extension or alteration is inspected by a provincial officer and altered as the Director may require in order that the sewage system or part thereof will not, in the opinion of the Director, create a nuisance, be contrary to the public interest or result in a hazard to the health or safety of any person. 1972, c. 106, s. 23, *part*.

60.—(1) Where any person,

(a) constructs, installs, establishes, enlarges, extends or alters a building or structure referred to in section 57 or a sewage system and a certificate of approval required under section 57 has not been issued;

(b) constructs, installs, establishes, enlarges, extends or alters a building or structure referred to in section 57 or a sewage system and does not comply with any of the terms and conditions in a certificate of approval issued under section 57 in respect thereof;

(c) does not construct, operate, clean, empty, disinfect or maintain a sewage system in compliance with the standards prescribed in the regulations; or

(d) uses or operates a sewage system for which a permit required under section 59a has not been issued,

Where Director may make order

(a) any building or structure in connection with which a sewage system will be used if the use of the building or structure so constructed, installed, established, enlarged, extended or altered will or is likely to affect the operation or effectiveness of the sewage system; or

(b) any sewage system,

unless a certificate of approval for the construction, installation, establishment, enlargement, extension or alteration of the sewage system has first been issued by the Director. 1972, c. 106, s. 23, *part*.

58. An applicant for a certificate of approval under this Part shall submit to the Director plans and specifications of any work to be undertaken upon issuance of the certificate of approval and such other information as the Director may require and, subject to section 59, the Director may issue a certificate of approval. 1972, c. 106, s. 23, *part*.

59. The Director may

Powers of Director

(a) refuse to issue;

(b) suspend or revoke; or

(c) impose, alter or revoke terms and conditions in, a certificate of approval where,

(d) the sewage system or the proposed establishment, construction, operation, installation, enlargement, extension or alteration of the sewage system does not comply with the provisions of this Act or the regulations; or

(e) he considers, upon probable grounds, that the construction, establishment, operation, installation, enlargement, extension or alteration of the sewage system may create a nuisance, is not in the public interest or may result in a hazard to the health or safety of any person or impairment of the quality of the natural environment for any use that can be made of it. 1972, c. 106, s. 23, *part*.

59a.—(1) No person shall use or operate a sewage system Permit or any part thereof that has been constructed, installed, established, enlarged, extended or altered after the date this

the Director may make such order as he considers necessary in order to lessen or prevent the deposit, addition, emission or discharge of any contaminant into the natural environment 1972, c. 106, s. 24, 1974, c. 20, s. 20

(2) When a person to whom an order is directed under subsection 1 fails to comply with the order, the Minister may cause the necessary work to be done and charge such person with the cost thereof which may be recovered with costs in any court of competent jurisdiction. 1971, c. 86, s. 60 (2).

**61.**—(1) No person shall engage in the business of,

(a) constructing on site, installing, repairing, servicing, cleaning or emptying sewage systems; or

(b) storing, hauling or disposing of sewage from a sewage system,

without having first obtained a licence issued by the Director.

(2) Subject to subsection 3, an applicant for a licence who,

(a) pays the prescribed fee; and

(b) meets the requirements of the regulations,

is entitled to be issued such licence by the Director.

(3) The Director may,

(a) refuse to issue or renew a licence; or

(b) suspend or revoke a licence,

where the licensee is in contravention of this Act or the regulations or the licensee is in breach of any term or condition of the licence or, where the Director is of the opinion that,

(c) the applicant or licensee or, where the applicant or licensee is a corporation, its officers or directors, is or are not competent to carry on the business that would be or is authorized by the licence;

(d) the past conduct of the applicant or licensee or, where the applicant or licensee is a corporation, of its officers or directors, affords reasonable grounds for

belief that the business that would be or is authorized by the licence will not be carried on in accordance with law;

(e) the applicant or licensee does not possess or will not have available all premises, facilities and equipment necessary to carry on the business authorized by the licence in accordance with this Act and the regulations; or

(f) the applicant or licensee is not in a position to observe or carry out the provisions of this Act and the regulations.

(4) The Director may impose, alter or revoke terms and conditions in a licence in order,

(a) to restrict the area in which a licensee may operate; and

(b) to control the method or place or both of storing, hauling, collecting, transferring and disposing of sewage from a sewage system.

(5) A licence expires twelve months after the date of its issue or renewal.

(6) A licence is not transferable. 1972, c. 106, s. 25.

**61a.**—(1) In this section, "municipality" means the corporation of a metropolitan area, regional area or a district area, a local municipality which is not included in a metropolitan, regional or district area, a county, a local board of a health unit or a local board of health.

(2) A municipality and Her Majesty the Queen in right of Ontario, represented by the Minister, may enter into an agreement applicable to the whole or any part or parts of the area under the jurisdiction of the municipality providing for,

(a) the issuance by the municipality of certificates of approval pursuant to this Part;

(b) the issuance by the municipality of permits pursuant to this Part;

(c) the making of orders by the municipality pursuant to this Part;

Idem

Expiration  
of licence

Not  
transferable

Interpre-  
tation

Minister  
enters into agree-  
ment with  
municipality

(d) the carrying out of inspections respecting sewage systems under this Part that may be necessary or expedient,

(i) for the exercise by the municipality of such powers or duties under this Part as may be specified in the agreement, and

(ii) with respect to such applications under *The R.S.O. 1970, Planning Act* for consents under section 29 of that Act or for approvals of plans of subdivision under section 33 of that Act as may be specified in the agreement; or

(e) the collection and payment or remittance of any fees payable under this Act or the regulations for any inspections that are carried out by the municipality under the agreement,

and any matter incidental thereto, and a municipality that has entered into such an agreement has all such powers as may be necessary to carry out the provisions thereof. 1973, c. 94, s. 6, *part*

(3) Where the Minister and a municipality have entered into an agreement pursuant to this section, the municipality or the officer or employee of the municipality designated in the agreement shall be deemed to be the Director for the purpose of carrying out the provisions of this Act and the regulations applicable to the matters dealt with in the agreement. 1973, c. 94, s. 6, *part*; 1974, c. 20, s. 21.

**61b.** - (1) Subject to subsection 2, where an application is made for a consent under section 29 of *The Planning Act* or payable for approval of a plan of subdivision under section 33 of *The Planning Act*, the applicant shall pay a fee at the rate or rates prescribed by the regulations to the Treasurer of Ontario or, where an agreement is made under section 61a, to the person specified in the agreement,

(a) in the case of an application under section 29 of *The Planning Act*, for each parcel of land in respect of which the application is made; and

(b) in the case of an application under section 33 of *The Planning Act*, for each lot on the proposed plan of subdivision.

Exemption

R.S.O. 1970,  
c. 349

(2) No fee is payable under subsection 1 in respect of,  
(a) in the case of an application for a consent under section 29 of *The Planning Act*.

(i) a parcel of land more than ten acres in area in respect of which the application is made;

(ii) a parcel of land in respect of which the application is made that is part of the land on which the owner thereof resides and from which he derives his chief source of income by farming, where no person other than the applicant and one or more members of his immediate family are parties to the transaction in respect of which the application is made,

(iii) a parcel of land in respect of which the application is made and for which a sewage works has been approved under section 42 of *The Ontario Water Resources Act* to serve the parcel of land; or

(b) in the case of an application under section 33 of *The Planning Act*,

(i) any lot that is more than ten acres in area on the proposed plan of subdivision, or

(ii) any lot that the application states will be served by a sewage works that has been approved or in respect of which an application has been or will be made for approval under section 42 of *The Ontario Water Resources Act*,

where the applicant files with the Director an affidavit showing that he is entitled to the benefit of the exemption set out in this subsection. 1973, c. 94, s. 6, *part*.

Certificate of exemption

(3) Where an affidavit is filed under subsection 2 with the Director, the Director shall cause to be prepared a certificate of exemption from the provisions of subsection 1 and cause the certificate to be delivered to the person filing the affidavit 1973, c. 94, s. 6, *part*; 1974, c. 20, s. 22

Consent not to be given until fee paid

(4) A consent under section 29 of *The Planning Act* or an approval under section 33 of *The Planning Act* shall not be given before the fees mentioned in subsection 1 have been paid or a certificate has been delivered pursuant to subsection 3.



Subsidies  
and grants

**66.** The Minister may make grants to persons to assist in the provision of receptacles to receive litter in such amounts and upon such terms and conditions as the regulations may prescribe. 1971, c. 86, s. 66.

Use or sale  
of packaging  
contrary to  
regulations

**67.** No person shall use, offer or expose for sale or sell, for use in Ontario, any packaging, container or material for packaging or containers contrary to this Act or the regulations. 1971, c. 86, s. 67.

Offences

**68.** Any person, whether acting personally or through an agent, representative or employee, and any such agent, representative or employee who contravenes any provision of this Part or the regulations is guilty of an offence and on summary conviction is liable on first conviction to a fine of not more than \$100 and on each subsequent conviction to a fine of not more than \$1,000. 1971, c. 86, s. 68.

## PART IX

### CONTROL ORDERS AND STOP ORDERS

**69.** REPEALED. 1974, c. 20, s. 23

Control  
orders

**70.** The Director may, where he is authorized by this Act to issue an order known as a "control order", order the person to whom it is directed to do any one or more of the following, namely,

- (a) to limit or control the rate of addition, emission or discharge of the contaminant into the natural environment in accordance with the directions set out in the order;
- (b) to stop the addition, emission or discharge of the contaminant into the natural environment,
  - (i) permanently,
  - (ii) for a specified period, or
  - (iii) in the circumstances set out in the order;
- (c) to comply with any directions set out in the order relating to the manner in which the contaminant may be added, emitted or discharged into the natural environment;

Interpre-  
tation

(5) In this section, "immediate family" means the son, daughter, son-in-law, daughter-in-law, father, mother, grandchild, grandparent, adopted son, adopted daughter, stepson, stepdaughter or a person to whom the owner stands *in loco parentis*

(6) In addition to any other remedy and to any penalty, Recovery imposed by law, any fee due and payable under this section,

- (a) to the Treasurer of Ontario, may be recovered with costs by the Minister as a debt due to Her Majesty the Queen in right of Ontario; or
- (b) to the corporation of a metropolitan, regional or district area, a county or a local municipality, may be recovered with costs by such corporation as a debt due to such corporation,

in a court of competent jurisdiction. 1973, c. 94, s. 6, *part*.

Offences

**62.** Any person who, in person or through an agent, representative or employee and any such agent, representative or employee who contravenes any provision of this Part or the regulations or any order or fails to comply with any term or condition of a certificate of approval or licence issued under this Part is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000. 1971, c. 86, s. 62; 1972, c. 106, s. 26.

## PART VIII

### LITTER

Interpre-  
tation

**63.** In this Part, "litter" includes any material left or abandoned in a place other than a receptacle or place intended or approved for receiving such material and "littering" has a corresponding meaning. 1971, c. 86, s. 63.

Powers of  
Minister

**64.** The Minister, for the purposes of the administration and enforcement of this Part and the regulations, may conduct research and studies in the reprocessing, reusing or degradability of packaging or containers and in the management and disposal of litter. 1971, c. 86, s. 64.

Littering  
prohibited

**65.** No person shall abandon any material in a place, manner, receptacle or wrapping such that it is reasonably likely that the material will become litter. 1971, c. 86, s. 65

(d) to comply with any directions set out in the order relating to the procedures to be followed in the control or elimination of the addition, emission or discharge of the contaminant into the natural environment; and

(e) to install, replace or alter any equipment or thing designed to control or eliminate the addition, emission or discharge of the contaminant into the natural environment. 1971, c. 86, s. 70.

**71.** Subject to section 79, when a copy of a control order is served upon the person to whom it is directed, that person,

(a) shall comply with the order forthwith; or

(b) shall, if the order sets out a future date by which it is to be complied with, comply with the order on or not later than such future date. 1971, c. 86, s. 71.

**72.** The Director may, by a further order, amend, vary or revoke a control order made under this Act and in each case shall cause a copy of the order to be served on the person to whom the order so amended, replaced or revoked was directed. 1971, c. 86, s. 72.

**73.** —(1) Where the Director proposes to issue a control order, he shall serve notice of his intention, together with written reasons therefor and a copy of the report of the provincial officer or other person designated under this Act upon which the reasons are based, and shall not issue the control order until fifteen days after the service thereof.

(2) The person to whom the Director intends to issue the control order may make submissions to the Director at any time before the control order is issued. 1971, c. 86, s. 73.

**74.** The Director may, where he is authorized by this Act to issue an order known as a "stop order", order the person to whom it is directed to immediately stop or cause the source of contaminant to stop adding to, emitting or discharging into the natural environment any contaminant either permanently or for a specific period of time. 1971, c. 86, s. 74.

**75.** A stop order shall be in writing and shall include written reasons for the order. 1971, c. 86, s. 75.

Compliance with stop order

**76.**—(1) When a copy of a stop order is served upon the person to whom it is directed, that person shall comply with the order immediately.

Revocation of stop order

(2) The Director may by a further order revoke a stop order and in such case shall cause a copy of the order to be served on the person to whom the stop order was directed. 1971, c. 86, s. 76.

## PART X

### APPEAL BOARD

Pollution Control Appeal Board continued

**77.**—(1) The Board known as the Pollution Control Appeal Board is continued as the Environmental Appeal Board and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council, who shall hold office during pleasure and none of whom shall be members of the public service in the employ of the Ministry. 1971, c. 86, s. 77 (1); 1972, c. 1, s. 69 (4); 1972, c. 1, s. 1.

Chairman and vice-chairman

(2) The Lieutenant Governor in Council may appoint one of the members of the Appeal Board as chairman and another of the members as vice-chairman.

Quorum

(3) Three members of the Appeal Board constitute a quorum.

Remuneration

(4) The members of the Appeal Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines. 1971, c. 86, s. 77 (2-4).

One member may conduct hearing

(5) The chairman may authorize one member of the Board to conduct a hearing by the Board and such member has all the powers of the Board for the purpose of such hearing.

Report

(6) The report of such member may be adopted as the decision of the Board by two other members of the Board, one of whom shall be the chairman or vice-chairman or may be otherwise dealt with as the Board considers proper.

Appointment of staff B.S. 1970, c. 386

(7) Such employees as are required for the purposes of the Board may be appointed under *The Public Service Act*. 1972, c. 1, s. 69 (5).

**77a.** REPEALED: 1974, c. 20, s. 24.

**78.**—(1) When the Director,

When Director refuses approval, etc.

(a) refuses to give his approval of plans and specifications;



h, requires a condition precedent to the giving of his approval;

(c) refuses to issue a certificate of approval or a provisional certificate of approval;

d, refuses to renew a certificate of approval or a provisional certificate of approval; or

(e) suspends or revokes a certificate of approval or a provisional certificate of approval.

he shall serve notice upon the applicant or holder, as the case may be, together with written reasons therefor, and the applicant or holder may, by written notice served upon the Director and the Board within fifteen days after the service of the notice, require a hearing by the Board. 1971, c. 86, s. 78 (1)

2 When the Director.

When Director  
serves notice  
of licence or  
permit

(a) refuses to issue or renew or cancels or suspends a licence or permit;

(b) imposes terms and conditions in issuing a licence or permit or certificate of approval or provisional certificate of approval; or

(c) alters the terms and conditions of a certificate of approval, provisional certificate of approval, a licence or permit after it is issued.

the Director shall serve notice together with written reasons therefor upon the applicant or the person to whom the licence or permit or certificate of approval or provisional certificate of approval is issued, as the case may be, and the applicant or person may, by written notice served upon the Director and the Board within fifteen days after the service of the notice, require a hearing by the Board. 1971, c. 86, s. 78 (2); 1972, c. 106, s. 28.

79. (1) A person to whom an order of the Director is Appeal of order directed may, by written notice served upon the Director and the Board within fifteen days after service upon him of a copy of the order, require a hearing by the Board. 1971, c. 86, s. 79 (1)

(2) No imposition or alteration of terms and conditions, suspension or revocation, refusal to renew or order, except a stop order, and a refusal to renew, suspension or revoca-

Enforcement  
of order

tion under section 52c, shall be enforced until final disposition of an appeal, if any, or until the time for taking an appeal against the order has passed. 1971, c. 86, s. 79 (2); 1972, c. 106, s. 29.

80.—(1) A hearing by the Board shall be a hearing *de novo* and the Board may confirm, alter or revoke the order, refusal or requirement that is the subject of the hearing

Powers of  
Board

(2) A party to a hearing before the Board may, within thirty days after receipt of the decision of the Board, appeal on a question of law to the county court of the county or district in which is located the source of contaminant, waste disposal site or waste management system which gives rise to the hearing before the Board.

Appeal to  
county  
court

(3) A party to a hearing before the Board may, within thirty days after receipt of the decision of the Board or within thirty days after final disposition of an appeal, if any, under subsection 2, appeal in writing to the Minister on any matter other than a question of law and the Minister shall confirm, alter or revoke the decision of the Board as to the matter in appeal as he considers in the public interest. 1971, c. 86, s. 80.

Appeal to  
Minister

81. The person requiring the hearing, the Director and any other person specified by the Board are parties to the hearing. 1971, c. 86, s. 81.

Parties to  
hearing

## PART XI

### PROVINCIAL OFFICERS

82. The Minister may designate in writing one or more officers or employees of the Ministry or other persons as provincial officers for the purposes of any section or Part of this Act or any regulation or section of any regulation relating thereto. 1973, c. 94, s. 7.

Designation  
of provincial  
officers

83.—(1) A provincial officer may survey from time to time anything that he has reason to believe is or may be a source of contaminant, and after completing such survey shall report his findings and his recommendations.

Survey by  
provincial  
officer

(2) The provincial officer shall file his report of his findings and recommendations with the Ministry and shall serve upon the person responsible for the source of contaminant a copy thereof. 1971, c. 86, s. 83; 1972, c. 1, s. 1.

Report to  
be sent to  
Ministry  
person  
responsible

**84.**—(1) For the purpose of the administration of this Act and the regulations, a provincial officer may, from time to time and upon production of his designation, enter at any reasonable time any building, structure, machine, vehicle, land, water or air and make or require to be made such surveys, examinations, investigations, tests and inquiries, including examinations of books, records and documents, as he considers necessary, and may make, take and remove or may require to be made, taken or removed samples, copies or extracts. 1973, c. 94, s. 8, *part*; 1974, c. 20, s. 25.

(2) Where a provincial judge is satisfied, upon an *ex parte* Order authorizing application by a provincial officer, that there is reasonable ground for believing that it is necessary to enter any building, structure, machine, vehicle, land, water or air for the administration of this Act or the regulations, the provincial judge may issue an order authorizing a provincial officer to enter therein or thereon and to make or require to be made such surveys, examinations, investigations, tests and inquiries and to take the other actions mentioned in subsection 1 but every such entry, survey, examination, investigation, test, inquiry and other such action shall be made or taken between sunrise and sunset unless the provincial judge authorizes the provincial officer, by the order, to so act at another time. 1973, c. 94, s. 8.

(3) Every person responsible for a source of contaminant shall furnish such information as a provincial officer requires for the purposes of this Act or the regulations. 1971, c. 86, s. 84 (3).

**85.**—(1) Whenever a provincial officer is required or empowered by this Act or the regulations to do or direct the doing of anything, such provincial officer may take such steps and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any member of the Ontario Provincial Police Force or the police force in the area where the assistance is required and it is the duty of every member of a police force to render such assistance. 1971, c. 86, s. 85.

(2) A provincial officer, for the purpose of carrying out the provisions of this Act and the regulations, may require the driver of any motor vehicle to stop and may inspect the motor vehicle and require the driver of the motor vehicle to submit the motor vehicle, together with its equipment and any trailer attached thereto, to such examinations and tests at such place or places and time or times as the provincial officer considers expedient and where the provincial officer considers it necessary or expedient he may call for the assistance of any member of the

Ontario Provincial Police Force or the police force in the area where the assistance is required and it is the duty of every member of a police force to render such assistance.

(3) Every driver of a motor vehicle shall stop or submit the motor vehicle, together with its equipment and any trailer attached, to such examinations and tests as may be required by a provincial officer or a member of a police force referred to in subsection 2. 1973, c. 94, s. 9.

**86.** No person shall hinder or obstruct a provincial officer in the lawful performance of his duties or furnish a provincial officer with false information or refuse to furnish him with information required for the purposes of this Act and the regulations. 1973, c. 94, s. 10.

**87.**—(1) Except as to information in respect of the deposit, addition, emission or discharge of a contaminant into the natural environment every provincial officer shall preserve secrecy in respect of all matters that come to his knowledge in the course of any survey, examination, test or inquiry under this Act or the regulations and shall not communicate any such matters to any person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations,
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) Except in a proceeding under this Act or the regulations, no provincial officer shall be required to give testimony other than testimony in respect of the deposit, addition, emission or discharge of a contaminant into the natural environment in any civil suit or proceeding with regard to information obtained by him in the course of any survey, examination, test or inquiry under this Act or the regulations. 1971, c. 86, s. 87.

## PART XII

### ENVIRONMENTAL COUNCIL

**88.** In this Part, "Council" means the Environmental Council. 1971, c. 86, s. 88.

Duty of driver of motor vehicle

Obstruction of provincial officer

Matters confidential

Testimony in civil suit

Interpretation

(2) Upon receipt of a request, the Minister may cause an investigation to be made and a report prepared of the findings of the investigation.

(3) A copy of the report shall be given to the claimant and to the person responsible for the source of contaminant alleged to be the cause of the injury or damage.

(4) The claimant shall permit the person responsible for such source of contaminant or his agent to view the injury or damage and to remove samples and conduct tests and examinations as may be reasonably necessary to establish the cause of the injury or damage.

(5) A board of negotiation shall be established consisting of two or more members appointed by the Lieutenant Governor in Council, one of whom may be designated as chairman.

(6) Any two members of the board of negotiation constitutes a quorum and are sufficient to perform all the functions of the board on behalf of the board.

(7) The board of negotiation may sit at any place in Ontario.

(8) If a complainant who has requested an investigation under subsection 1 desires to have his claim for injury or damage negotiated by the board of negotiation, he shall notify the Minister and the person responsible for the source of contaminant alleged to be the cause of the injury or damage of the amount of his claim within a reasonable time after the amount can be determined.

(9) If the claimant and the person responsible are not able to settle the claim within thirty days after notice of the claim is given to the Minister under subsection 8, the claimant or the person responsible may serve notice of negotiation upon the other of them and upon the board of negotiation stating that he requires a settlement of the claim to be negotiated by the board of negotiation.

(10) Upon receipt of a notice of negotiation, the board of negotiation shall assess the injury or damage in respect of which the claim is made and, upon reasonable notice to the claimant and to the person responsible, shall meet with them and, without prejudice to any subsequent proceedings, proceed in a summary and informal manner to negotiate a settlement of the claim. 1971, c. 86, s. 92.

Request for investigation

Report of investigation

Right of person responsible to view damage, etc.

Board of negotiation

Quorum

Place of sitting

Notice of amount of claim

Notice of negotiation

Negotiation proceedings

89.-(1) A council to be known as the Environmental Council may be established and shall consist of not fewer than seven and not more than eleven persons appointed by the Lieutenant Governor in Council, each to hold office for a term of not more than three years.

2. The Lieutenant Governor in Council may appoint one of the members of the Council as chairman and another of the members as vice-chairman.

3. The composition of the Council shall be such as to Members provide for competent and knowledgeable persons in matters relating to the natural environment.

4. Vacancies in the membership of the Council may be filled by the Lieutenant Governor in Council.

5. The members of the Council shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time may determine. 1971, c. 86, s. 89.

90. The Council, through its chairman, shall,

(a) advise the Minister as to the results of current research related to,

(i) pollution, and

(ii) the natural environment; and

(b) consider any matter affecting the quality of the environment which the Council or the Minister deems advisable and advise the Minister thereon through its chairman. 1971, c. 86, s. 90.

PART XIII

MISCELLANEOUS

91. REPEALED: 1974, c. 20, s. 26.

92.-(1) Where a person complains that a contaminant is causing or has caused injury or damage to live stock or to crops, trees or other vegetation which may result in economic loss to such person, he may, within fourteen days after the injury or damage becomes apparent, request the Minister to conduct an investigation.

Where contaminant causes damage to live stock



**93.** Any consent, notice, licence, permit, approval, order or certificate purporting to be signed by the Director or the Minister or by such officer of the Ministry as is designated in the regulations, or any certified copy, is receivable in evidence in any action, prosecution or other proceeding as *prima facie* proof of the facts set out therein without proof of the signature or the official position of the person appearing to have signed it. 1971, c. 86, s. 93; 1972, c. 1, s. 1.

**94.—(1)** The Lieutenant Governor in Council may make Regulations,

- (a) classifying contaminants and sources of contaminants and exempting any classes from the provisions of this Act and the regulations;
- (b) prohibiting or regulating and controlling the depositing, addition, emission or discharge of any contaminant or contaminants into the natural environment from any source of contaminant or any class thereof;
- (c) prescribing maximum permissible amounts, concentrations or levels of any contaminant or combination of contaminants and any class of either of them;
- (d) prescribing methods or standards, or both, for determining the amount, concentration or level of any contaminant, combination of contaminants or any class of either of them;
- (e) defining the desirable quality criteria of the natural environment;
- (f) classifying persons for the purposes of this Act and exempting any class from any provision thereof;
- (g) classifying plants, structures and things, prescribing classes thereof that shall not be constructed, altered or modified unless the plans and specifications thereof are approved by the Director, and prescribing classes thereof for which the approval of the Director as to the plans and specifications is not required;
- (h) prescribing the details that shall be set out in plans and specifications submitted to the Director for approval;
- (i) prescribing the amounts of grants and loans and the terms and conditions of such grants and loans;

- (k) amending or revoking in whole or in part the regulations made under *The Air Pollution Control Act, 1967*;
- (l) prescribing the maximum permissible concentration or level in water of any contaminant either generally or with respect to any part of the water of Ontario specified in the regulations;
- (m) prescribing methods for determining the concentration or level in water of any contaminant, either generally or with respect to any part of the water of Ontario specified in the regulations, for the purposes of the regulations;
- (n) prescribing maximum permissible changes in temperatures of water, either generally or with respect to any part of the water of Ontario specified in the regulations;
- (o) prescribing fees that may be charged and collected by the Ministry for copies of documents, maps, plans and drawings supplied by the Ministry;
- (p) regulating the quality of fuels that may be used for heating, generating steam or electricity, for industrial processes or for incineration. 1971, c. 86, s. 94 (1); 1972, c. 1, s. 1; 1972, c. 106, s. 31 (1); 1973, c. 94, s. 11 (1).

Regulations  
relating to  
Part III

- (2) The Lieutenant Governor in Council may make regulations relating to Part III,
  - (a) classifying motors and motor vehicles for the purpose of any regulation and exempting any class or type of motor or motor vehicle from any regulation;
  - (b) regulating or prohibiting the operation in all or any part of Ontario of any class or type of motor or motor vehicle in order to lessen or prevent the emission of any pollutant into the natural environment;
  - (c) requiring motors or motor vehicles or any class or type of motor or motor vehicle to have installed thereon or incorporated therein one or more systems or devices to prevent or lessen the emission of any contaminant into the natural environment, prescribing the standards and specifications of any such system or device, prescribing the standards of emission of any contaminant into the natural environment with

- which any such system or device shall comply and providing for testing and inspection of any such system or device:
- (d) prescribing the standards of emission into the natural environment of any contaminant by any motor or motor vehicle or any class or type of motor or motor vehicle and providing for the testing and inspection of any such motor, motor vehicle, class or type;
  - (e) regulating the quality of motor fuels and additives used or intended for use in motor fuels in Ontario. 1971, c. 86, s. 94 (2).
- (3) The Lieutenant Governor in Council may make regulations relating to Part IV,
- Regulations  
relating to  
Part IV
- (a) requiring and regulating the storage, treatment and disposal of sewage in boats and ships or any class or classes thereof and the equipment therefor, and prohibiting the use and installation of equipment for the storage, treatment or disposal of sewage in boats and ships or any class or classes thereof unless the equipment and installation thereof conform to the regulations, and providing for and requiring the approval of the Director for any such equipment, and prohibiting and regulating the discharge of sewage from such boats and ships or any class or classes thereof;
  - (b) regulating and controlling, for the purpose of preventing or reducing the pollution of any water, places or any class or classes thereof located on or adjacent to any water where moorings are provided for boats or ships or where any services are provided for boats or ships or the occupants thereof, and regulating and governing persons providing such moorings or services, or any class or classes thereof;
  - (c) defining sewage for the purposes of regulations made under clauses a and b;
  - (d) prescribing forms and providing for their use for the purposes of Part IV;
  - (e) providing for the issue of permits and identification plates for ice shelters and requiring and governing their use;
  - (f) regulating the placing, construction and standard of repair of ice shelters and requiring and regulating the storage, treatment and disposal of waste and
- requiring the approval of the Director for any equipment and things related thereto by any person or class of persons and prohibiting the placing, allowing to remain or use of an ice shelter contrary to or in a condition that is contrary to the regulations or without any equipment or facilities required by the regulations;
- (g) prescribing the dates within which ice shelters may be placed, allowed to remain or used on or over the ice over any water. 1971, c. 86, s. 94 (3); 1973, c. 94, s. 11 (2).
- (4) The Lieutenant Governor in Council may make regulations relating to Part V,
- Regulations  
relating to  
Part V
- (a) designating wastes in addition to those specified in clause d of section 28, and exempting any wastes from this Part and the regulations or any provision thereof, and prescribing terms and conditions for such exemption;
  - (b) classifying waste management systems and waste disposal sites, and exempting any class thereof from this Part or the regulations or any provision thereof, and prescribing terms and conditions for such exemption;
  - (c) providing for the issue of certificates of approval and provisional certificates of approval for waste management systems or waste disposal sites, or any class thereof;
  - (d) governing and regulating the management of waste and prescribing standards for waste management systems and for the location, maintenance and operation of waste disposal sites, or any class thereof;
  - (e) governing the location of waste disposal sites and designating parts of Ontario in which no waste disposal sites, or any class thereof, shall be established or operated;
  - (f) prescribing the amounts and conditions of deposits and bonds and sureties for the purpose of section 34, and prescribing the terms and conditions upon which deposits may be returned under section 36;
  - (g) prescribing the records that shall be kept by operators of waste management systems and waste disposal sites and the reports that shall be made by such operators.

(k) prescribing the form of application and the procedure to be followed in applying for any compensation under this Part;

(l) amending or revoking in whole or in part the regulations made under *The Waste Management Act*; R.S.O. 1970, c. 491.

(j) prescribing the rates of the fees for the disposal of any type of waste in a well that is a waste disposal site that shall be paid into The Waste Well Disposal Security Fund. 1971, c. 86, s. 94 (4); 1972, c. 106, s. 31 (2, 3).

(5) REPEALED: 1973, c. 94, s. 11 (3).

(6) The Lieutenant Governor in Council may make regulations relating to Part VII,

(a) prescribing standards for the construction, operation and maintenance of sewage systems;

(b) prescribing standards, methods and equipment for the cleaning, disinfecting and emptying of sewage systems;

(c) classifying sewage systems and exempting any class thereof from Part VII or the regulations or any provision thereof and prescribing terms and conditions for such exemptions;

(d) prescribing fees for certificates of approval and permits for the use or operation of sewage systems or any class or classes thereof;

(e) governing the location of sewage systems;

(f) designating areas in which any class of sewage system may not be established or operated;

(g) prescribing classes of licence holders and exempting any class from any provision of Part VII or any regulation made under this subsection, and attaching conditions to any such exemption;

(h) prescribing the qualification of licence holders, providing for the examination of applicants for licences and prescribing the fees for such examinations;

(i) providing for the issue and renewal of licences and the fees therefor;

(j) prescribing the records to be kept and the returns to be made by persons to whom a licence has been granted;

(k) prescribing fees or rates of fees payable and the procedure for payment under section 61b;

(l) prescribing qualifications of inspectors, providing for their classification, examination and certification, prescribing fees for such examination and certification and providing for the terms upon which such certification may be suspended or cancelled and prohibiting any municipality from carrying out any inspections under an agreement under Part VII except by certified inspectors;

(m) exempting any parcel or class of parcels of land in respect of which an application for a consent is made under section 29 of *The Planning Act* from the payment of a fee under section 61b. 1971, c. 86, s. 94 (6); 1972, c. 106, s. 31 (11, 12); 1973, c. 94, s. 11 (4).

(7) The Lieutenant Governor in Council may make regulations relating to Part VIII,

(a) defining standard, refillable, returnable, non-refillable or non-returnable in respect of containers and returnable or non-returnable in respect of packaging or defining any beverage for the purposes of the regulations;

(b) requiring payment of a deposit at the time of purchase of any material or any beverage packaged or contained in any class of packaging or container and regulating the amount, terms and conditions of deposits;

(c) requiring and regulating the stocking, display, sale or offering for sale of any beverage,

(i) in any class of container in relation to the stocking, display, sale or offering for sale of the beverage in any other class of container, or

(ii) only in a class of container that may be prescribed;

(d) prohibiting the sale or offering for sale in Ontario of any beverage in any class of container or in or by means of a vending machine;

R.S.O. 1970,  
c. 349

Regulations  
relating to  
Part VIII

Regulations  
relating to  
Part VII



(da) requiring and regulating the advertising or display of,

- (i) the price of a beverage that is sold or offered for sale exclusive of the amount of any deposit payable on the purchase of the beverage,
- (ii) the amount of any deposit payable on the purchase of a beverage,
- (iii) the amount payable in return for any container,
- (iv) copies of the regulations or portions of the regulations or a summary thereof in such form as may be prescribed by the regulations;

(db) requiring that a notice or mark appear on any container of any beverage or on any label for any container of a beverage to indicate that the container is standard, refillable, returnable, non-refillable or non-returnable or in respect of a payment to be made in return for the container and governing the size, form, content and position of the notice or mark;

(dc) requiring and regulating the payment of an amount in return for any packaging or container, prescribing the amount to be paid and requiring and regulating the acceptance and collection of any packaging or container by such classes of persons as may be designated by the regulations;

(dd) classifying packaging or containers or any materials or combinations of materials used as packaging or containers and classifying beverages;

(de) exempting any person or class of persons, any beverage or any packaging or container or any material or combination of materials used as packaging or a container from any provision of Part VIII or of the regulations;

(e) requiring, regulating and prohibiting the use, offering for sale or sale in Ontario of any packaging or container, or any material or combination of materials used as packaging or a container;

(ea) providing a schedule for the regulation and the prohibition within five years of the use, offering for sale or sale in Ontario of non-refillable or non-returnable containers for any beverage;

(f) governing the material of the packaging or containers in any class of packaging or containers used or sold for use in Ontario;

(g) requiring and governing the placing of receptacles to receive litter and governing the capacity, design and construction of such receptacles;

(h) prescribing the amounts of grants to persons to assist in the provision of receptacles to receive litter, and the terms and conditions of such grants. 1971, c. 86, s. 94 (7); 1972, c. 106, s. 31 (13); 1976, c. 49, s. 1 (1).

NOTE: The regulations made under clause ea of subsection 7 of section 94 above shall be filed under The Regulations Act not later than the 1st day of July, 1977. See 1976, c. 49, s. 1 (2).

Scope of regulations

95.—(1) Any regulation may be general or particular in its application, may be limited as to time or place or both and may exclude any place from the application of the regulation. 1974, c. 125, s. 2

(2) Any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, formula, standard or procedure, and may require compliance with any code, standard or procedure so adopted. 1971, c. 86, s. 95 (2).

Adoption of codes in regulations

Municipal by-laws

95a.—(1) The councils of local municipalities may, subject to the approval of the Minister, pass by-laws,

(a) regulating or prohibiting the emission of sounds or vibrations;

(b) providing for the licensing of persons, equipment and premises, or any of them, with respect to the emission of sounds or vibrations;

(c) prescribing maximum permissible levels of sounds or vibrations that may be emitted;

(d) prescribing procedures for determining the levels of sounds or vibrations that are emitted,

and such a by-law may make different provisions for different areas of a local municipality and may make provision for exempting any person, equipment or premises

from any provision of the by-law for such period of time and subject to such terms and conditions as may be set out or provided for in the by-law.

(2) A by-law passed by the council of a local municipality pursuant to subsection 1 may adopt by reference, in whole or in part, with such changes as the council considers necessary, any code, formula, standard or procedure, and may require compliance with any code, standard or procedure so adopted.

(3) Part XXI of *The Municipal Act* applies to by-laws adopted pursuant to this section. 1974, c. 125, s. 3.

**96.**—(1) Where a conflict appears between any provision of this Act or the regulations and any other Act or regulation in a matter related to the natural environment or a matter specifically dealt with in this Act or the regulations, the provision of this Act or the regulations shall prevail. 1971, c. 86, s. 96.

(2) Subsection 1 does not apply in respect of section 95a *idem* and the enactment of section 95a or a by-law pursuant to section 95a does not affect the validity of an Act that is in force immediately before the coming into force of section 95a. 1974, c. 125, s. 4.

**96a.**—(1) Except in the case of an application for judicial review or an action or proceeding that is specifically provided for with respect to a person referred to in this subsection in any Act or in a regulation under this or any other Act, no action or other proceeding for damages or otherwise shall be instituted against an employee of the Ministry, a member of the Board or of the Hearing Board or a Crown employee within the meaning of *The Public Service Act* who is a provincial officer or is acting under the direction of an employee of the Ministry, or such member or provincial officer for any act done in good faith in the execution or intended execution of any duty or authority under this Act or for any alleged neglect or default in the execution in good faith of any such duty or authority.

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. 1974, c. 20, s. 27.

Certificate  
of analysis  
as evidence

**97.** In any prosecution, proceeding or hearing under this Act or the regulations, the production of a certificate or report of an analyst of the Department as to the analysis, description, ingredients, quality, quantity or temperature of any material, whether solid, liquid or gas, or any combination of them, is *prima facie* evidence of the facts stated therein and of the authority of the person making the certificate or report without any proof of appointment or signature. 1971, c. 86, s. 97.

Service

**98.**—(1) Any notice, decision or other document required to be given or served under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is required to be made at the latest address for service appearing on the records of the Ministry.

When service  
deemed made

(2) Where service is made by registered mail, the service shall be deemed to be made on the fifth day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice or order until a later date. 1971, c. 86, s. 98; 1972, c. 1, s. 1.

Enforcing  
performance  
of duties  
required to  
be done

**99.** Where the Minister or the Director has authority to order or require that any matter or thing be done, the Minister may order that, in default of its being done by the person ordered or required to do it, such matter or thing shall be done at the expense of such person, and the Minister may recover the cost of doing it, with costs, by action in a court of competent jurisdiction as a debt due to the Crown by such person. 1971, c. 86, s. 99.

Power to  
act  
by action

**100.** Where any provision of this Act or the regulations or any direction, order, approval, notice or permit, made, granted, given, served or issued by the Minister or the Director under this Act is contravened, in addition to any other remedy and to any penalty imposed by law, such contravention may be restrained by action at the instance of the Minister. 1971, c. 86, s. 100.

False  
information

**101.** No person shall knowingly give false information in any application, return or statement made to the Minister, a provincial officer or any employee of the Ministry in respect of any matter under this Act or the regulations. 1974, c. 20, s. 28.

Offence

**102.**—(1) Except as otherwise provided in this Act, every person, whether as principal or agent, or an employee of

either of them, who contravenes any provision of this Act or the regulations or fails to comply with an order or any term or condition of a certificate of approval or a licence made or issued under this Act is guilty of an offence and on summary conviction is liable on a first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000 for every day or part thereof upon which such offence occurs or continues. 1971, c. 86, s. 102 (1); 1972, c. 106, s. 32.

(2) Notwithstanding subsection 1, a person to whom an order or program approval of the Minister or the Director is directed who complies fully with the order or approval shall not be prosecuted for or convicted of an offence in respect of the matter or matters dealt with in the order or approval that occurs during the period within which the order or program approval is applicable. 1971, c. 86, s. 102 (2); 1973, c. 94, s. 12

**103.** Part VII of this Act applies in such areas in Ontario as are designated by the Lieutenant Governor by his proclamation. 1971, c. 86, s. 103; 1972, c. 106, s. 33.

**104.** *The Air Pollution Control Act* and *The Waste Management Act* are repealed. 1971, c. 86, s. 104.

Repeal  
R.S.O. 1970,  
cc. 16, 491

GENERAL

INTERPRETATION

1. In this Regulation,

- (a) "air pollution episode" means an occasion when air contamination is at such a level and for such a period of time that the air contamination may become the cause of increased human sickness and mortality;
- (b) "air pollution index" means a series of numbers expressing the relative levels of air pollution and taking into consideration one or more air contaminants;

- (d) "equipment" includes apparatus, device, mechanism or structure;
- (e) "fuel burning equipment" includes equipment designed to burn fuel but does not include an internal combustion engine;

(ea) "highway" means highway as defined in subsection 1 of section 1 of *The Highway Traffic Act*;

(f) "incinerator" includes equipment used for the burning of waste;

(g) "opacity" means,

- (i) the color of a visible emission in shades of grey to black, or
- (ii) the degree to which a visible emission obstructs the passage of light;

(4) "point of emission" means the point at which a contaminant enters the natural environment.

APPLICATION

2. The Act and this Regulation apply to all areas within Ontario R R O 1970, Reg 15, s. 2.

EXEMPTIONS

3. The following sources of contaminant are classes for which the approval of the Director as to the plans and specifications is not required under section 8 of the Act:

1. Fuel burning equipment used for the purpose of comfort heating in a building using natural gas or No. 2 oil at a rate of less than 1.5 million British Thermal Units per hour.
2. Equipment for the preparation of food in a domestic residence.
3. Fuel burning equipment used solely for the purpose of comfort heating in a dwelling used for the housing of not more than three families.

4. Equipment for construction or maintenance of a highway while the equipment is being used on the highway. O. Reg. 873/74, s. 2.

AIR POLLUTION INDEX

4.—(1) The Department may prepare an index to be known as the "Air Pollution Index" for any area in Ontario, from time to time.

(2) Where the air pollution index for an area indicates increasing air pollution that may lead to an air pollution episode, the Minister, in consultation with the Minister of Health, may order curtailment of the operation of sources of air pollution in the manner described in subsections 3 and 4.

(3) Where the air pollution index reaches the number 32, designated as Air Advisory Level, and meteorological forecasts indicate a six hour prolongation of atmospheric conditions conducive to sustained or increased air pollution levels, the Minister may require owners or operators of sources of air pollution to make preparation for the curtailment of such operations as are specified by the Minister.

(4) Where the air pollution index reaches the number 50, designated as First Air Pollution Alert, and meteorological forecasts indicate a six hour prolongation of atmospheric conditions conducive to sustained or increased air pollution levels, the Minister may require owners or operators of sources of air pollution to curtail such operations as are specified by the Minister. R R O 1970, Reg. 15, s. 4.

CONTROL OF AIR CONTAMINANTS

5.—(1) The maximum concentration of a contaminant set out in Column 1 of Schedule 1 at a point of impingement from a source of contaminant, other than a motor vehicle, shall not be greater than the concentration set out opposite thereto in Column 3 of Schedule 1, expressed in the unit of concentration set out opposite thereto in Column 2 of Schedule 1.

(2) The concentration of a contaminant at a point of impingement may be calculated in accordance with the Appendix.

(3) No person shall cause or permit the concentration of a contaminant at a point of impingement to exceed the standard prescribed in Schedule 1. O. Reg. 873/74, s. 3, *part*.

6. No person shall cause or permit to be caused the emission of any air contaminant to such extent or degree as may,

- (a) cause discomfort to persons;
- (b) cause loss of enjoyment of normal use of property;
- (c) interfere with normal conduct of business, or
- (d) cause damage to property. R R O 1970 Reg. 15, s. 6.

7.—(1) The Ministry shall prepare a chart to be known as the "Visible Emission Chart of the Province of Ontario"

(2) The Visible Emission Chart of the Province of Ontario shall consist of two one-inch squares on a white background such that:

- (a) the area within the square designated as number 1 shall have black dots or lines evenly spaced such that approximately twenty per cent of the area is black;
- (b) the area within the square designated as number 2 shall have black dots or lines evenly spaced such that approximately forty per cent of the area is black.

(3) For the purpose of enforcing the Act and this Regulation no person other than a provincial officer who has been trained by the Ministry in the identification of opacity shall determine the opacity of a visible emission. O. Reg. 873/74, s. 3, *part*.

8.—(1) Subject to subsection 2, no person shall cause or permit to be caused a visible emission,

(a) having shades of grey darker than number 1 on the Visible Emission Chart of the

Province of Ontario at the point of emission; or

(b) that obstructs the passage of light to a degree greater than twenty per cent at the point of emission

(2) A visible emission from a source of combustion employing solid fuel may,

(a) be in shades of grey darker than number 1, but not darker than number 2 on the Visible Emission Chart of the Province of Ontario at the point of emission, or

(b) obstruct the passage of light to a degree greater than 20 per cent but no greater than 40 per cent at the point of emission,

for a period of not more than four minutes in the aggregate in any thirty-minute period. O. Reg. 873/74, s. 3, *part*.

9. Where at any stationary source of air pollution a failure to operate in the normal manner or a change in operating conditions occurs, or a shut-down of the source or part thereof is made for some purpose, resulting in the emission of air contaminants that may result in quantities or concentrations in excess of those allowed in sections 5, 6 and 8,

(a) the owner or operator of the source of air pollution shall,

- (i) immediately notify a provincial officer and furnish him with particulars of such failure, change or shut-down, and
- (ii) furnish the provincial officer with the particulars in writing, as soon as is practicable, of such failure, change or shut-down; and

(b) the provincial officer, where he considers it advisable, may authorize, in writing, the continuance of such operation for the period of time as he considers reasonable in the circumstances and may impose upon the owner or operator such terms and conditions for such continued operation as he considers necessary in the circumstances. R R O 1970, Reg. 15, s. 9

10.—(1) No person shall burn or permit to be burned in any fuel burning equipment or incinerator any fuel or waste except the fuel or waste for the burning of which the equipment or incinerator was designed.

(2) No person shall burn or permit to be burned in any fuel burning equipment or incinerator any fuel or waste at a greater rate than that rate for which the



equipment or incinerator was designed. R.R.O. 1970, Reg. 15, s. 10.

10a. Except for heat, sound, vibration or radiation, no person shall,

- (a) construct, alter, demolish, drill, blast, crush or screen anything or cause or permit the construction, alteration, demolition, drilling, blasting, crushing or screening of anything so that a contaminant is carried beyond the limits of the property on which the construction, alteration, demolition, drilling, blasting, crushing or screening is being carried out; or
- (b) sandblast or permit the sandblasting of anything so that a contaminant is emitted into the air.

to an extent or degree greater than that which would result if every step necessary to control the emission of the contaminant were implemented O. Reg. 8/3/74, s. 4.

11. No person shall operate or permit the operation of,

- (a) an apartment incinerator, domestic incinerator, multiple chamber incinerator or starved air incinerator burning domestic waste; or
- (b) a multiple chamber incinerator or a starved air incinerator burning solid industrial waste; or
- (c) an incinerator burning liquid industrial waste, industrial slurries or sludges, sewage sludges or slurries, gaseous waste, organic vapour or fume,

which causes or is likely to cause a concentration in the combustion gases emitted into the natural environment, of organic material having a carbon content, expressed as equivalent methane, greater than fifty parts per million by volume. O. Reg. 8/3/74, s. 5, *part*.

12. No person shall store, handle or transport any solid, liquid or gaseous material or substance in such manner that an air contaminant is released to the atmosphere. R.R.O. 1970, Reg. 15, s. 12.

13. to 16. REVOKED: O. Reg. 8/3/74, s. 5, *part*.

1. In this Appendix, wherever the height of a building or structure is referred to, there shall not be included in calculating such height the height of any flagpole, aerial or stack designed for venting emissions.

2. The concentration of a contaminant at a point of impingement shall be calculated as follows:

- (a) where the point of impingement is located on the building or structure or is within five metres horizontally of the building or structure on which the point of emission is located, and,

- (i) the height above grade at the point of emission is less than twice the height of the highest part of the building or structure on which the point of emission is located where the highest part of the building or structure is at a height of not more than twenty metres above grade, (see figures 1 and 2)

- (ii) the height of the highest part of the building or structure on which the point of emission is located is greater than twenty metres above grade and the point of emission is less than twenty metres above the highest part of the building or structure on which it is located, or (see figure 3)

- (iii) there is a building or structure upwind from the point of emission such that,

- a. the height above grade of the building or structure is greater than the height above grade at the point of emission, and
- b. the building or structure is a horizontal distance of 100 metres or less from the point of emission, (see figures 4 and 5)

the following formula shall be applied: (see notes 1 and 2)

$$K = \frac{0.6 \times 10^9 \times Q}{L^2}$$

Where: K is the half hour average concentration at the point of impingement in micrograms per cubic metre,

Q is the rate of emission in grams per second of the contaminant,

L is,

- (i) where the point of impingement is at the same height or higher above grade than the point of emission, the straight line distance in metres between the point of emission and the point of impingement, or



F is a factor related to the atmospheric stability of the air

$\delta_y$  is a function which defines the amount of dispersion of the contaminant in a horizontal direction at the point of impingement

$\delta_z$  is a function which defines the amount of dispersion of the contaminant in a vertical direction at the point of impingement

Determination of K 1. Two values for K shall be determined using the formula in clause b.

2. The maximum value obtained for K shall be applied in this Regulation.

Value number 1 for K is determined as follows:

H is 0.67 times the height, in metres, above grade of the building or structure on which the point of emission is located

F is 0.6

$\delta_y$  is determined as follows:

$\delta_y = \frac{A}{4.3}$  where A is the greatest width, in metres, presented to the wind by the building or structure on which the point of emission is located, measured horizontally and perpendicularly to the direction of the wind (see figure 13)

where  $\delta_y$  is equal to or less than 243.45

1.08172

calculate  $X_y = 6.554 \delta_y$

where  $\delta_y$  is greater than 243.45

1.14616

calculate  $X_y = 4.524 \delta_y$

and calculate

$X_y = G + X_y'$  where G is the horizontal distance, in metres, between the wind-oriented centre of the building or structure on which the point of emission is located and the line where vertical planes, one through the wind-oriented centre of the building or structure on which the point of emission is located and parallel to the chosen direction of the wind, and the other through the point of impingement, meet at right angles.

(see figure 14)  
(see note 6)

where the value of  $X_y$  is equal to or less than 2500

0.92445

calculate  $\delta_y = 0.176 X_y$

where the value of  $X_y$  is greater than 2500

0.87248

calculate  $\delta_y = 0.268 X_y$

$\delta_z$  is determined as follows:

$\delta_z = \frac{B}{2.15}$  where B is the height above ground in metres of the highest part of the building or structure on which the point of emission is located.

(ii) where the point of impingement is lower in height above grade than the point of emission, the product of 1.57 and the straight line distance in metres between the point of emission and the point of impingement.

NOTES: 1. Where a building or structure adjacent to the building or structure on which the point of emission is located is within five metres of that building or structure, it shall be treated as being part of the building or structure on which the point of emission is located.

2. Where K yields a value greater than the concentration of the contaminant at the point of emission, the concentration of the contaminant at the point of emission shall be deemed to be the value of K.

(b) where the point of impingement is a horizontal distance of five metres or more from the building or structure on which the point of emission is located and,

(i) the height above grade at the point of emission is less than twice the height of the highest part of the building or structure on which the point of emission is located where the highest part of the building or structure is at a height of not more than twenty metres above grade, (see figures 6 and 7)

(ii) the height of the highest part of the building or structure on which the point of emission is located is greater than twenty metres above grade and the point of emission is less than twenty metres above the highest part of the building or structure on which it is located, or (see figure 8)

(iii) there is a building or structure upwind from the point of emission such that,

1. the height above grade of the building or structure is greater than the height above grade at the point of emission, and

2. the building or structure is a horizontal distance of 100 metres or less from the point of emission, (see figures 9 and 10)

the following formula shall be applied: (see notes 1 and 3)

$$K = \frac{10^6 \times Q \times F}{31.4 \times \delta_y \times \delta_z} \times \exp \left[ -\frac{1}{2} \left( \frac{Y'}{\delta_y} \right)^2 \right] \cdot \left\{ \exp \left[ -\frac{1}{2} \left( \frac{Z - H'}{\delta_z} \right)^2 \right] - \exp \left[ -\frac{1}{2} \left( \frac{Z + H'}{\delta_z} \right)^2 \right] \right\}$$

Where: K is the half hour average concentration of the contaminant at the point of impingement in micrograms per cubic metre

Q is the rate of emission in grams per second of the contaminant (see note 2)

exp is the exponential function where e = 2.7183

Y is the perpendicular distance in metres between the point of impingement and a vertical plane parallel to the chosen direction of the wind through the wind-oriented centre of the building or structure on which the point of emission is located (see figures 11 and 12) (see notes 4 and 5)

Z is the difference in height, in metres, between the point of impingement and the ground level at or beneath the point of impingement

H is a function of the height, in metres, above grade of the building or structure on which the point of emission is located

where  $X_Y$  is equal to or greater than 7000

$$0.86538$$

$$\text{calculate } \delta_y = 0.191 X_Y$$

$\delta_z$  is determined as follows.

B

$\delta_y = \frac{B}{2.15}$  where B is the vertical height above grade of the highest part of the building or structure on which the point of emission is located.

where  $\delta_y$  is equal to or less than 24.64

$$1.16918$$

$$\text{calculate } X'_Z = 16.524 \delta'_z$$

where  $\delta'_z$  is greater than 24.64 and less than 110.75

$$1.53965$$

$$\text{calculate } X'_Z = 4.984 \delta'_z$$

where  $\delta'_z$  is equal to or greater than 110.75

$$1.85677$$

$$\text{calculate } X'_Z = 1.090 \delta'_z$$

and calculate

$X_Z = G + X'_Z$  where G has the same value for G determined for value number 1 for K

where  $X_Z$  is equal to or less than 700

$$0.8553$$

$$\text{calculate } \delta_z = 0.091 X_Z$$

where  $X_Z$  is greater than 700 and less than 7000

$$0.6495$$

$$\text{calculate } \delta_z = 0.352 X_Z$$

where  $X_Z$  is equal to or greater than 7000

$$0.53857$$

$$\text{calculate } \delta_z = 0.955 X_Z$$

#### NOTES:

1. Where a building or structure adjacent to the building or structure on which the point of emission is located is within five metres of that building or structure, it shall be treated as being part of the building or structure on which the point of emission is located.
2. Where a situation exists as described in subclauses i, ii and iii of clause b all points of emission of a contaminant shall be considered as if the total emission comes from the building such that the building itself is a point of emission.
3. Where K yields a value greater than the concentration of the contaminant at the point of emission, the concentration of the contaminant at the point of emission shall be deemed to be the value of K.
4. The wind-oriented centre of a building or structure is obtained by circumscribing the plan view of the building or structure with the smallest possible rectangle, two sides of which are parallel to the chosen wind direction, and the intersection of the diagonals of this rectangle is the wind-oriented centre. (see figure 11)

where  $\delta'_z$  is equal to or less than 141.41

$$1.08783$$

$$\text{calculate } X'_Z = 12.027 \delta'_z$$

where  $\delta'_z$  is greater than 141.41

$$1.10419$$

$$\text{calculate } X'_Z = 10.418 \delta'_z$$

and calculate  $X_Z = G + X'_Z$  where G has the same value for G as used in the equation

$$X_Y = G + X'_Y$$

Where the value of  $X_Z$  is equal to or less than 2500

$$0.91926$$

$$\text{calculate } \delta_z = 0.106 X_Z$$

where  $X_Z$  is greater than 2500

$$0.90564$$

$$\text{calculate } \delta_z = 0.120 X_Z$$

Value number 2 for K is determined as follows:

Where, H is 0.67 times the height in metres above grade of the building or structure on which the point of emission is located

F is 0.8

$\delta_y$  is determined as follows:

$\delta_y = \frac{A}{4.3}$  where  $\delta_y$  has the same value as  $\delta_y$  determined for value number 1 for K

where  $\delta_y$  is equal to or less than 49.01

$$1.07455$$

$$\text{calculate } X'_Y = 10.686 \delta'_y$$

where  $\delta'_y$  is greater than 49.01 and less than 409.32

$$1.08889$$

$$\text{calculate } X'_Y = 10.020 \delta'_y$$

where  $\delta'_y$  is equal to or greater than 409.32

$$1.15556$$

$$\text{calculate } X'_Y = 6.760 \delta'_y$$

and calculate

$X_Y = G + X'_Y$  where G has the same value for G determined for value number 1 for K

where the value of  $X_Y$  is equal to or less than 700

$$0.93062$$

$$\text{calculate } \delta_y = 0.110 X_Y$$

where  $X_Y$  is greater than 700 and less than 7000

$$0.91837$$

where: n is the height above grade, in metres, of the point of emission

$v_s$  is the speed in metres per second in an upward vertical direction of the contaminant gas stream at the point of emission to the atmosphere  
(see note 4)

d is the diameter in metres of a circle of equivalent area to that area through which the contaminant gas stream enters the air

u is the speed of the wind in metres per second  
(see note 5)

$T_s$  is the temperature in degrees Kelvin ( $273^\circ + \text{temperature in Degrees Celsius}$ ) of the contaminant gas stream at the point of emission

F is 0.6

$\delta_y$  is determined as follows:

Calculate X where X is the horizontal distance in metres between the point of emission and the line where vertical planes, one through the point of emission and parallel to the chosen direction of the wind and the other through the point of impingement, meet at right angles.  
(see figure 21)  
(see notes 6 and 7)

Where the value of X is equal to or less than 2500

$$\delta_y = 0.176X$$

When the value of X is greater than 2500

$$\delta_y = 0.268X$$

$\delta_z$  is determined as follows:

When the value of X is determined in the calculation of  $\delta_y$  is equal to or less than 2500

$$\delta_z = 0.106X$$

When the value of X is greater than 2500

$$\delta_z = 0.120X$$

(see note 8)

Value number 2 for K is determined as follows:

H has the same value for H as determined for value number 1 for K

F is 0.8

$\delta_y$  is determined as follows:

Where X has the same value for X as determined for value number 1 for K

wind direction shall be that direction that is parallel to a line joining the wind-oriented centre of the building or structure and the point of impingement and the value of the exponential expression involving Y is one.  
(In such a situation the value of Y becomes zero)

6. Where emissions from only one building or structure are being evaluated the wind direction shall be so chosen that the value of G is the horizontal distance in metres between the point of impingement and a vertical line through the wind-oriented centre of the building or structure on which the point of emission is located.  
(see figure 15)

(c) where the point of emission is not affected by any of the conditions described in sub-clauses i, ii or iii of clause a or sub-clauses i, ii or iii of clause b, the following formula shall be applied:  
(see figures 16, 17, 18 and 19)

$$K = \frac{10^4 \times Q \times F}{6.28 \times \delta_y \times \delta_z \times U} \times \exp \left[ -\frac{1}{2} \left( \frac{Y}{\delta_y} \right)^2 \right] \cdot \left\{ \exp \left[ -\frac{1}{2} \left( \frac{Z - H}{\delta_z} \right)^2 \right] + \exp \left[ -\frac{1}{2} \left( \frac{Z + H}{\delta_z} \right)^2 \right] \right\}$$

Where: K is the half hour average concentration of the contaminant at the point of impingement in micrograms per cubic metre

Q is the rate of emission in grams per second of the contaminant

U is the wind speed in metres per second

exp is the exponential function where  $e = 2.7183$

Y is the straight line distance in metres between the point of impingement and a vertical plane through the point of emission in the chosen direction of the wind  
(see figure 20)  
(see note 3)

Z is the difference in height, in metres, between the point of impingement and the ground level at or beneath the point of impingement

H is the effective height of the emission of a contaminant

F is a factor related to the atmospheric stability of the air

$\delta_y$  is a function which defines the amount of dispersion of the contaminant in a horizontal direction at the point of impingement

$\delta_z$  is a function which defines the amount of dispersion of the contaminant in a vertical direction at the point of impingement

Determination of K 1. Two values for K shall be determined using the formula in clause c.  
2. The maximum value obtained for K shall be applied in this Regulation.  
(see note 1)

Value number 1 for K is determined as follows:

Where: U is the speed of the wind in metres per second  
(see note 2)

H is determined as follows:

$$H = h + \left( \frac{v_{s,d}}{u} \right) \times \left[ 1.5 + 2.68 \frac{(T_s - 283)d}{T_s} \right]$$

(d) where the emissions of a contaminant are from more than one source, the contaminant concentrations at the point of impingement, resulting from each individual source, for the conditions set out in clauses a, b and c shall be added together to give an aggregate value for K.

The aggregate value of K shall be determined for all wind directions and all permissible wind speeds for value of K, where applicable. The largest aggregate K obtained shall be the value of K to apply in this Regulation. O. Reg. 873/74, s. 6.

Where the value of X is equal to or less than 700

$$\delta_y = 0.93062$$

$$\delta_y = 0.110 X$$

Where the value of X is greater than 700 but less than 7000

$$0.91837$$

$$\delta_y = 0.120 X$$

Where the value of X is equal to or greater than 7000

$$0.86538$$

$$\delta_y = 0.191 X$$

$\delta_z$  is determined as follows:

Where X has the same value as determined in the calculation of  $\delta_y$

Where X is equal to or less than 700

$$0.8553$$

$$\delta_z = 0.091 X$$

Where X is greater than 700 but less than 7000

$$0.6495$$

$$\delta_z = 0.352 X$$

Where X is equal to or greater than 7000

$$0.53857$$

$$\delta_z = 0.955 X$$

(see note 8)

# NOTES.

1. Where K yields a value greater than the concentration of the contaminant at the point of emission, the concentration of the contaminant at the point of emission shall be deemed to be the value of K.
2. The wind speed shall have a minimum value of 2.235 metres per second and a maximum value of 18.235 metres per second. A value of K shall be determined for wind speed increments of 0.5 metres per second until a maximum value of K is found.
3. Where only a single point of emission is being evaluated the wind direction shall be so chosen that the value of Y becomes zero (therefore the value of exp expression containing Y becomes equal to one.)
4. Where the value of  $v_s$  is less than 7 metres per second the value of  $v_s$  shall be zero.
5. The value for u shall be consistent with the values substituted directly for u in the equation used for evaluating K.
6. Where a single source of emission is being evaluated, the wind direction shall be so chosen that the value of X shall be the horizontal distance in metres between the point of impingement and a vertical line through the point of emission. (see figure 22)
7. In the calculation of K at ground level, the value of X shall be so chosen that the maximum value of K is found.
8. For each point of impingement, for each wind direction chosen, and for each value of X, U shall be varied until the maximum value of K is found.

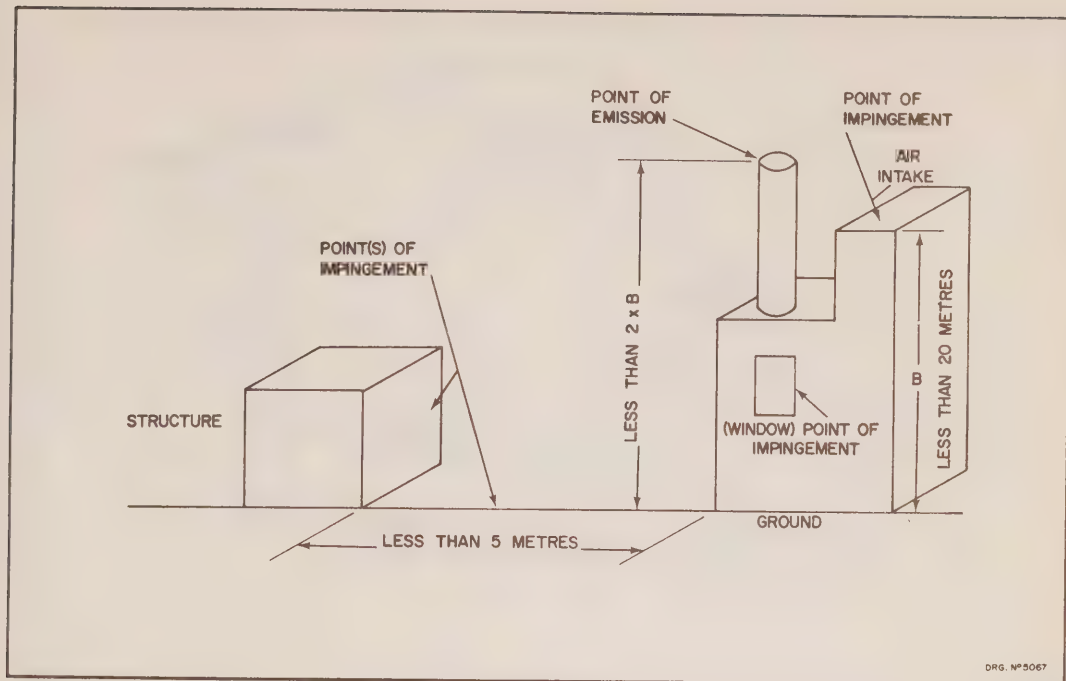


FIGURE 1.

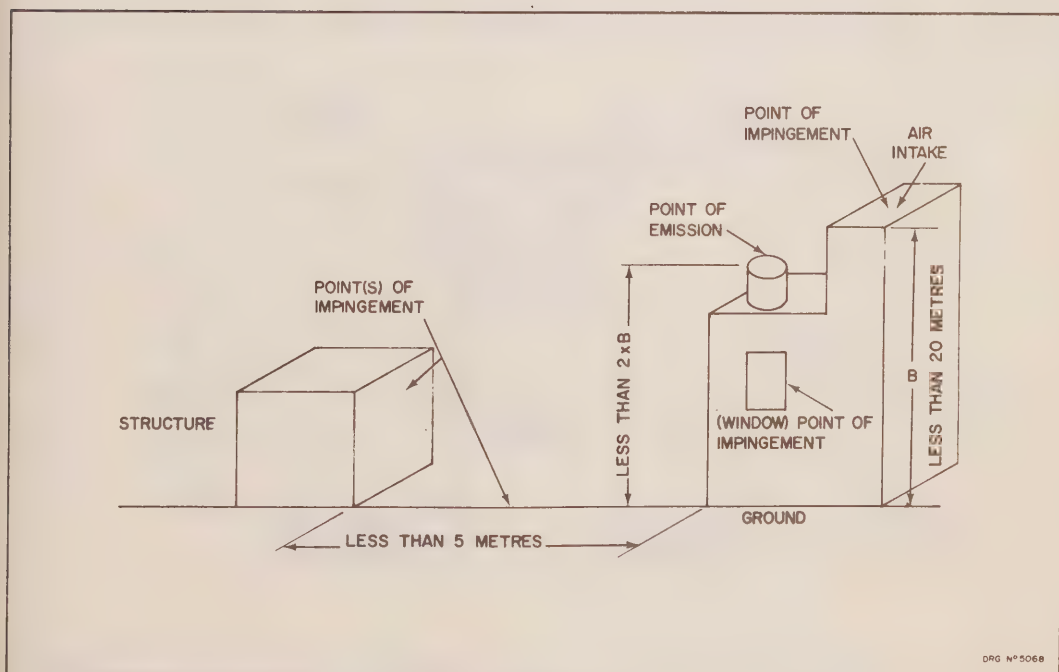


FIGURE 2.



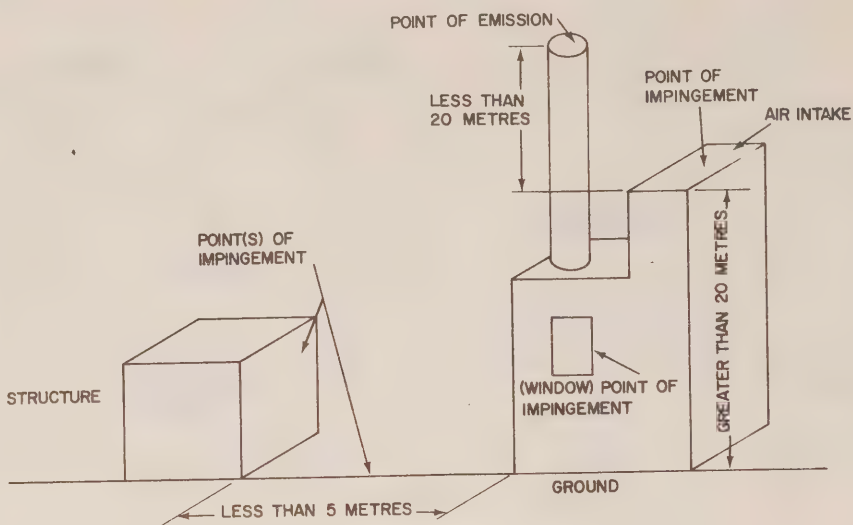


FIGURE 3.

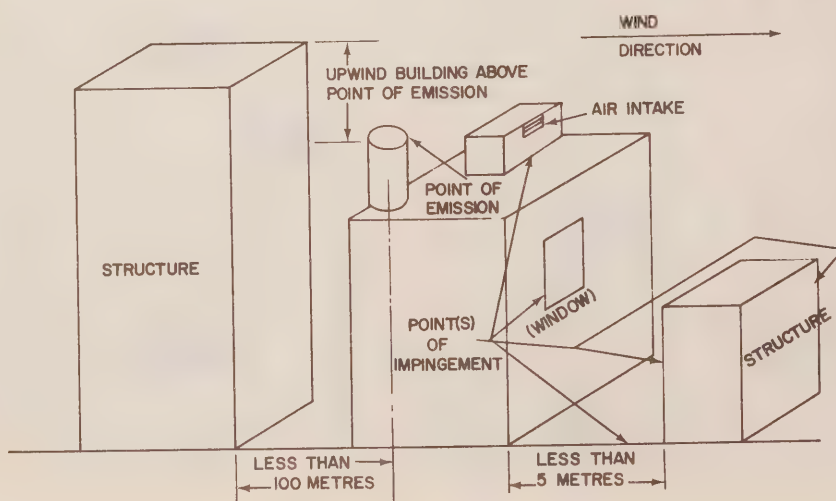


FIGURE 4.

LRG N° 5069

DRG. N° 5070

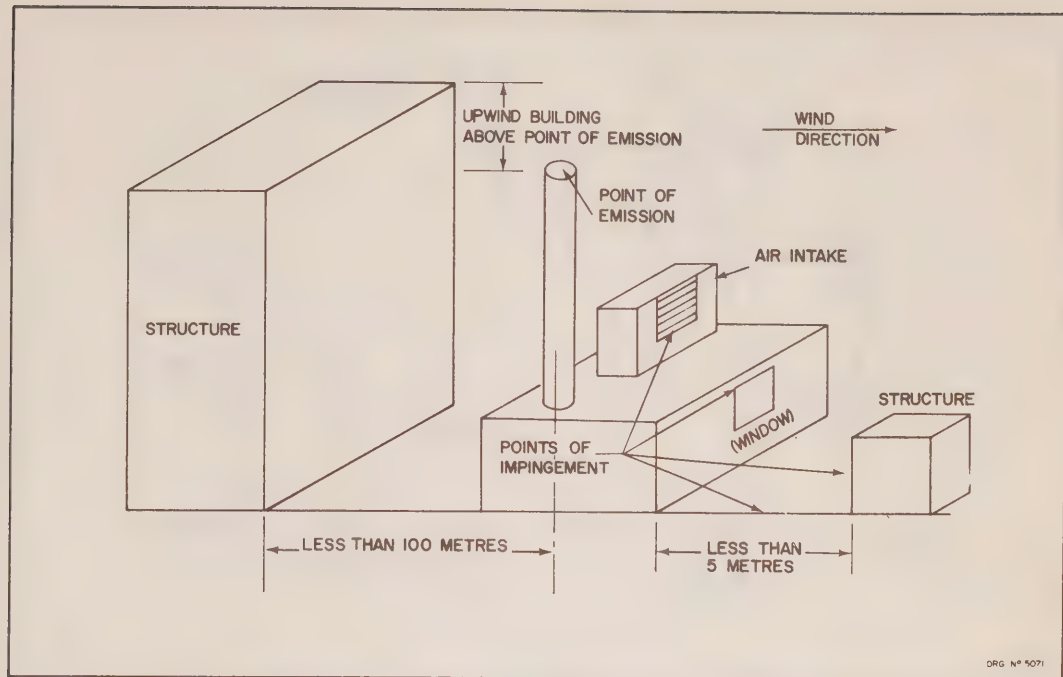


FIGURE 5.

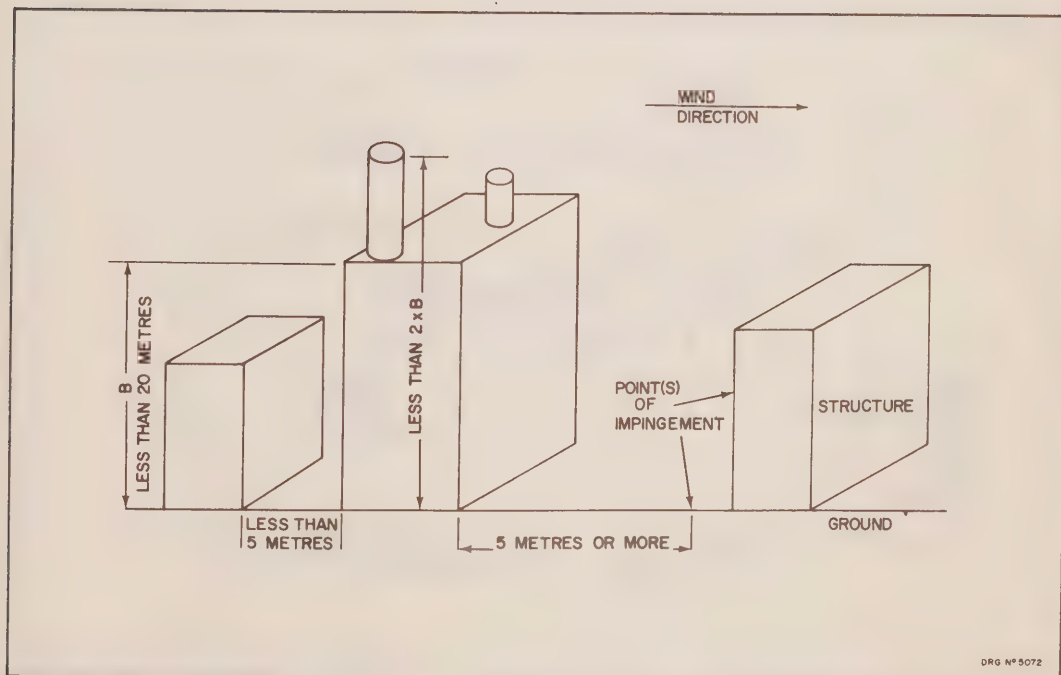
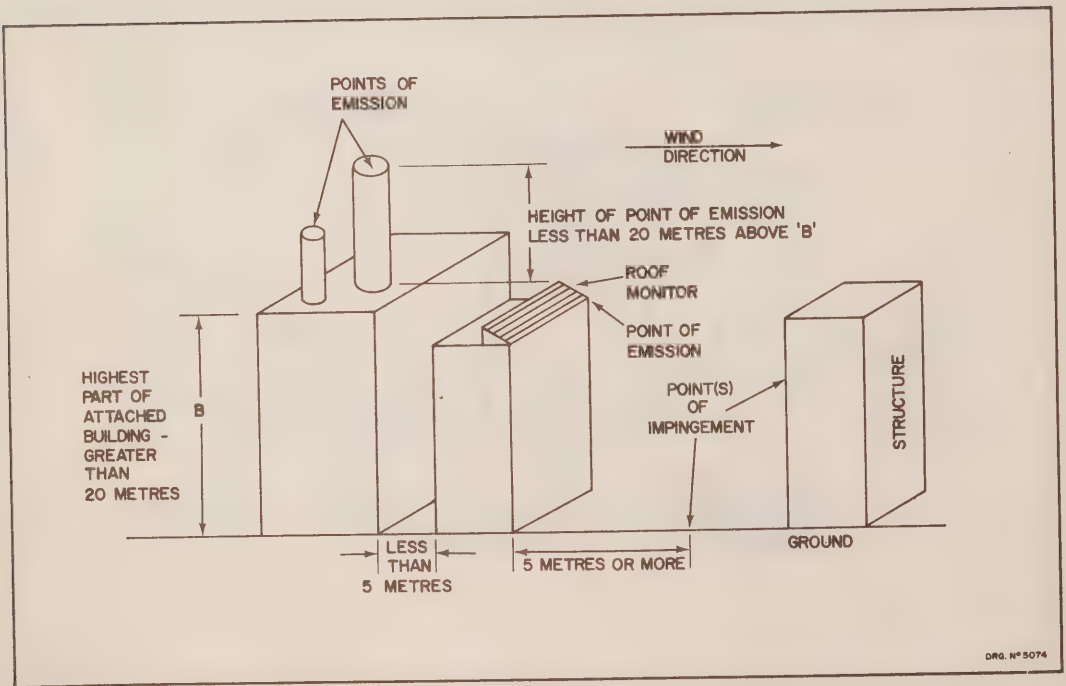
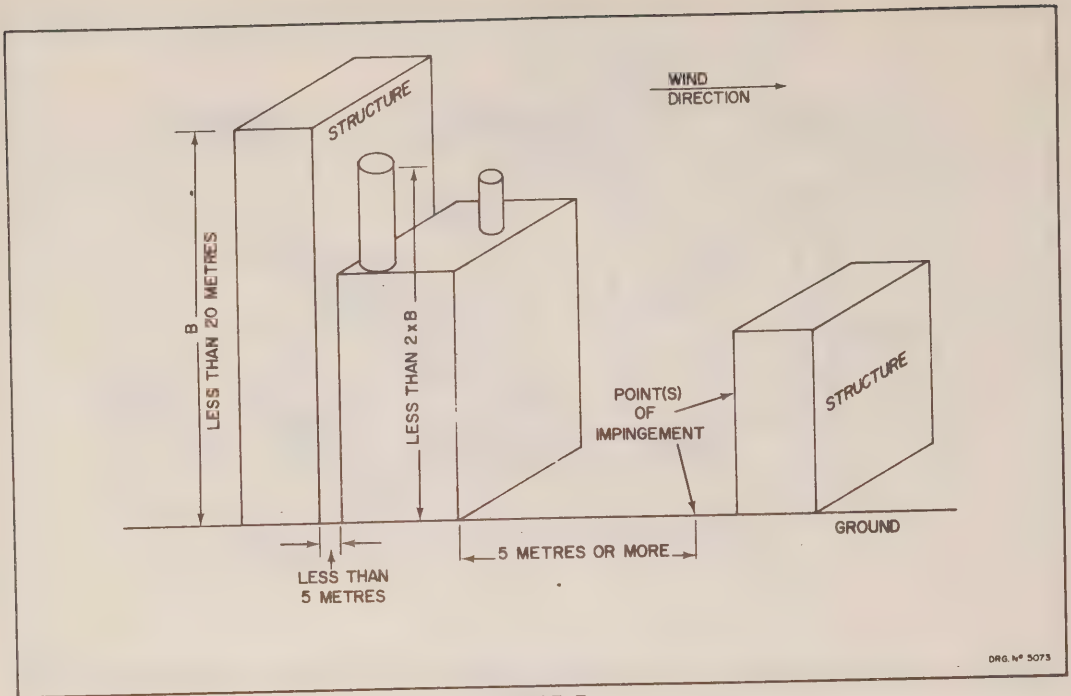


FIGURE 6.



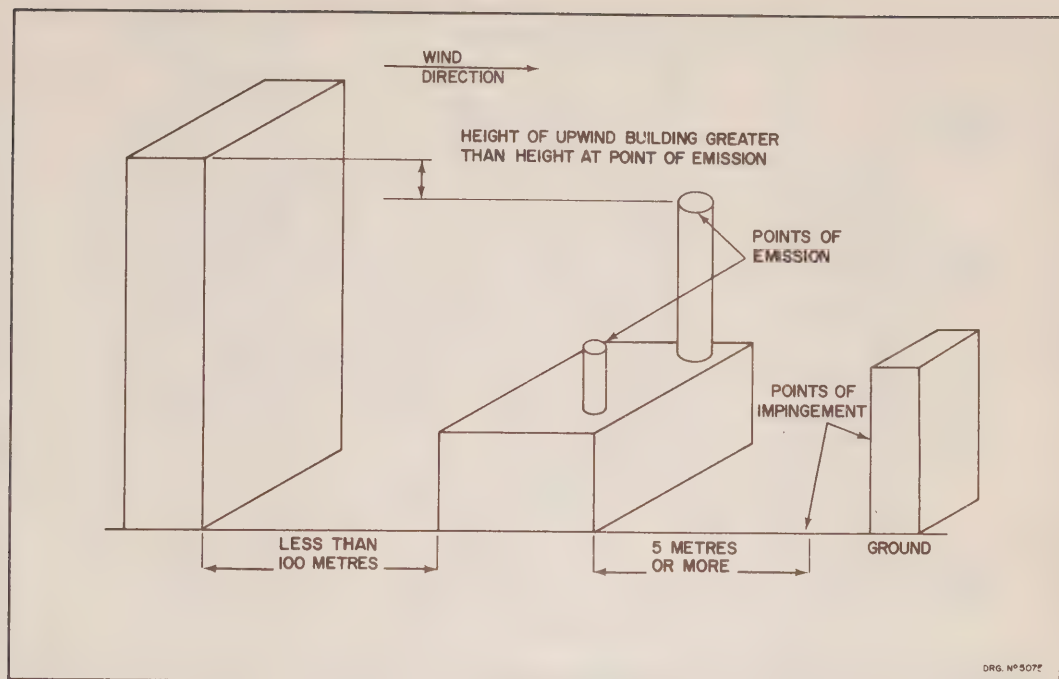


FIGURE 9.

ORG. N° 5072

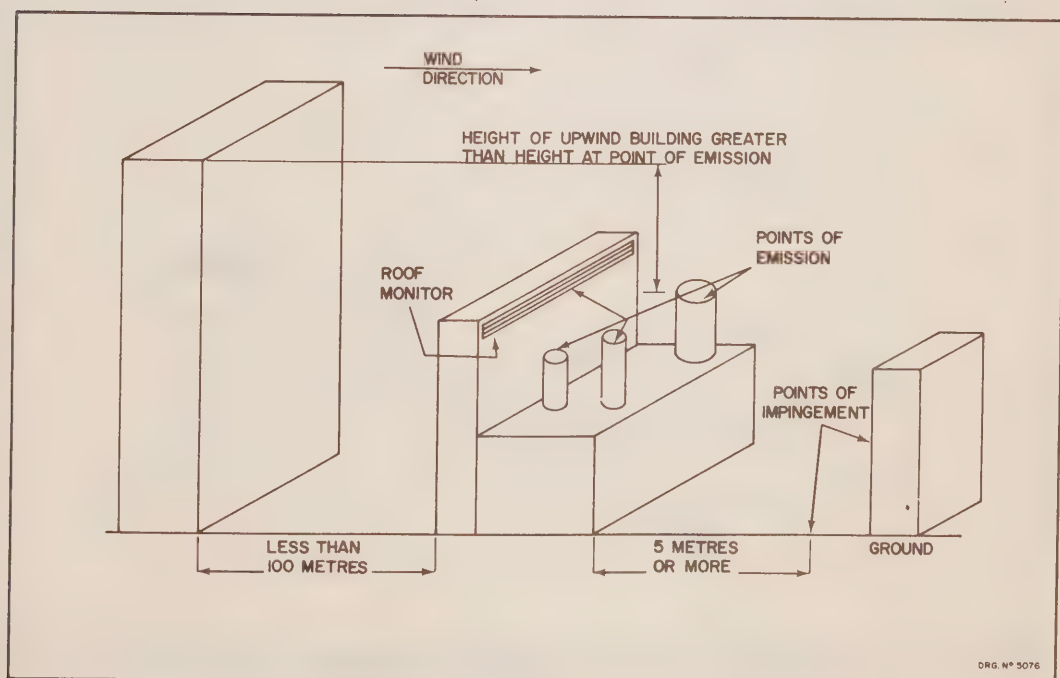


FIGURE 10.

ORG. N° 5076

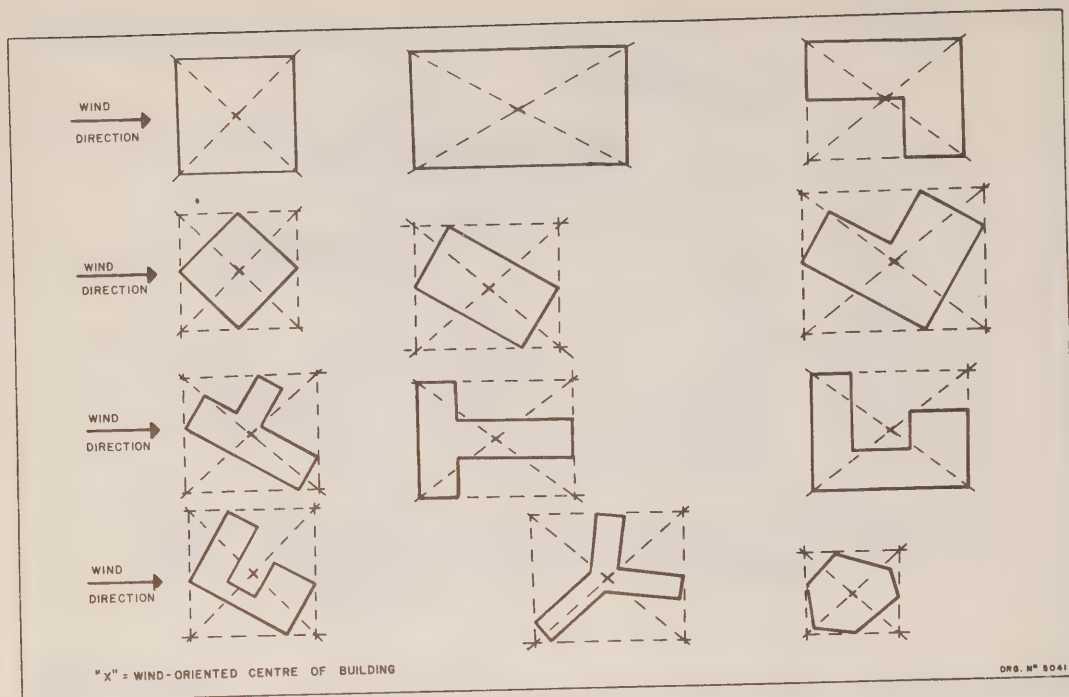


FIGURE 11.

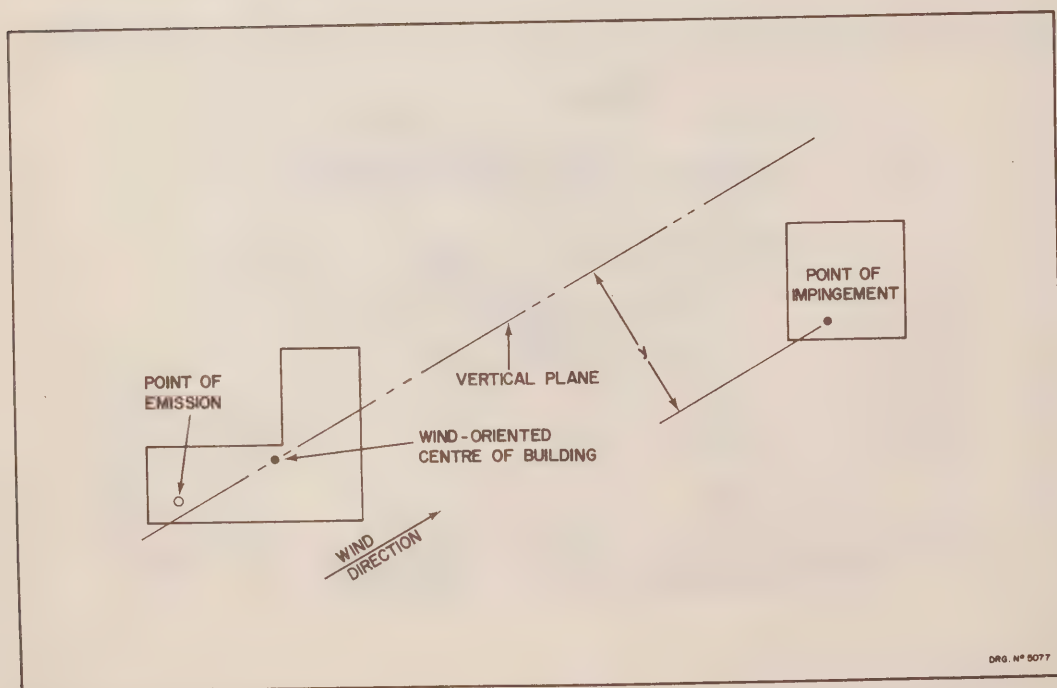


FIGURE 12.



02

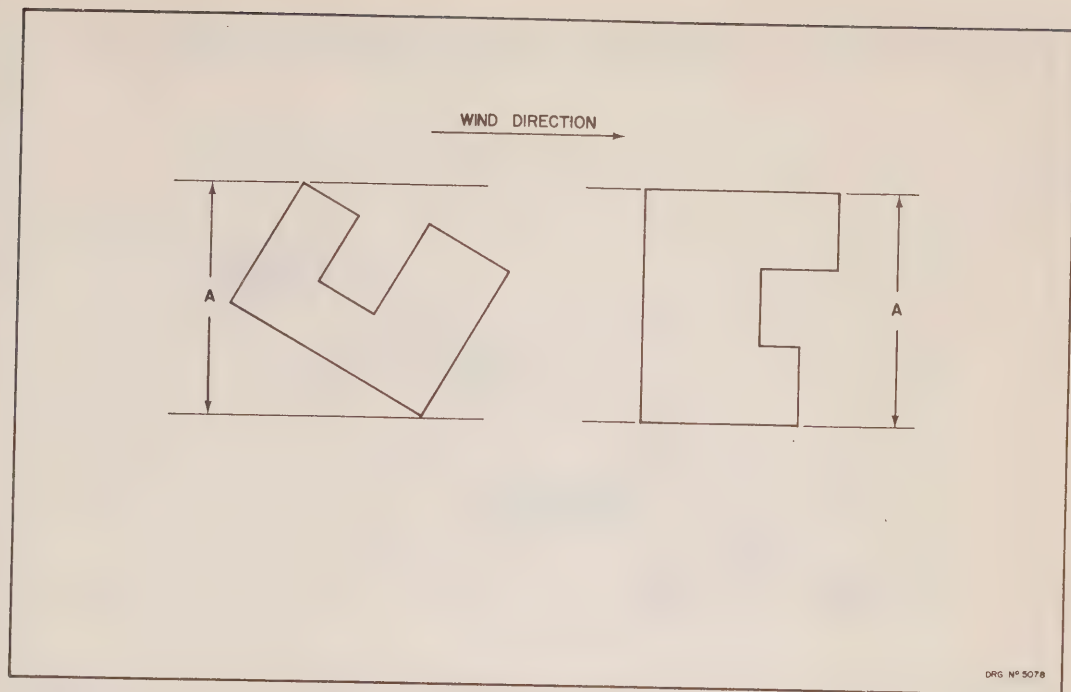


FIGURE 13.

DRG. Nº 5078

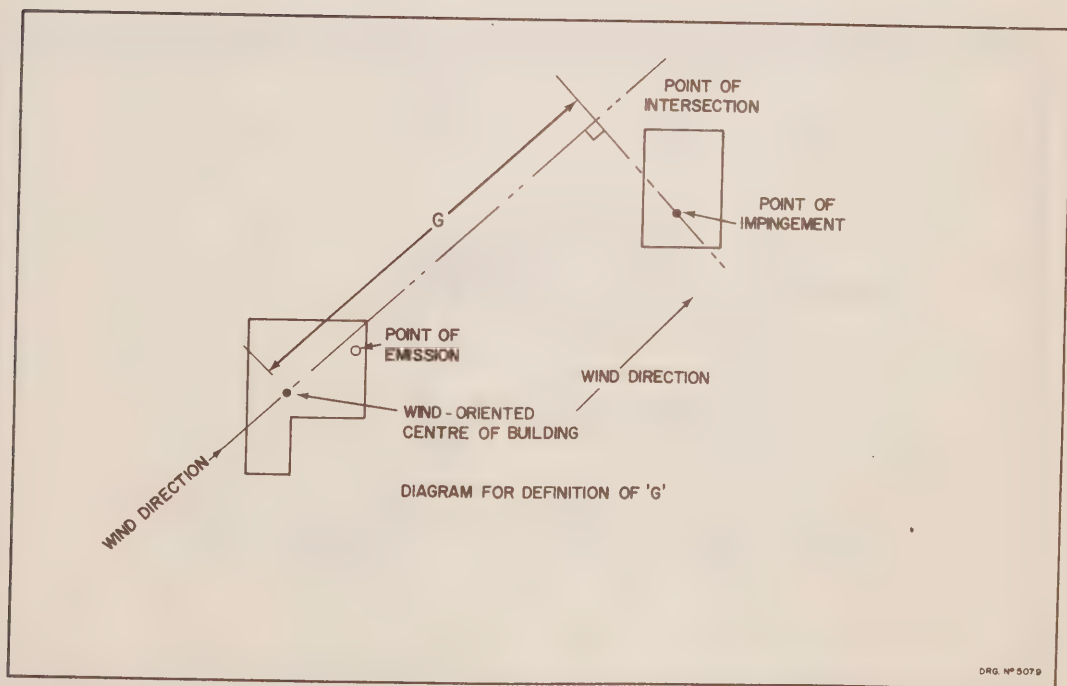


FIGURE 14.

DRG. Nº 5079

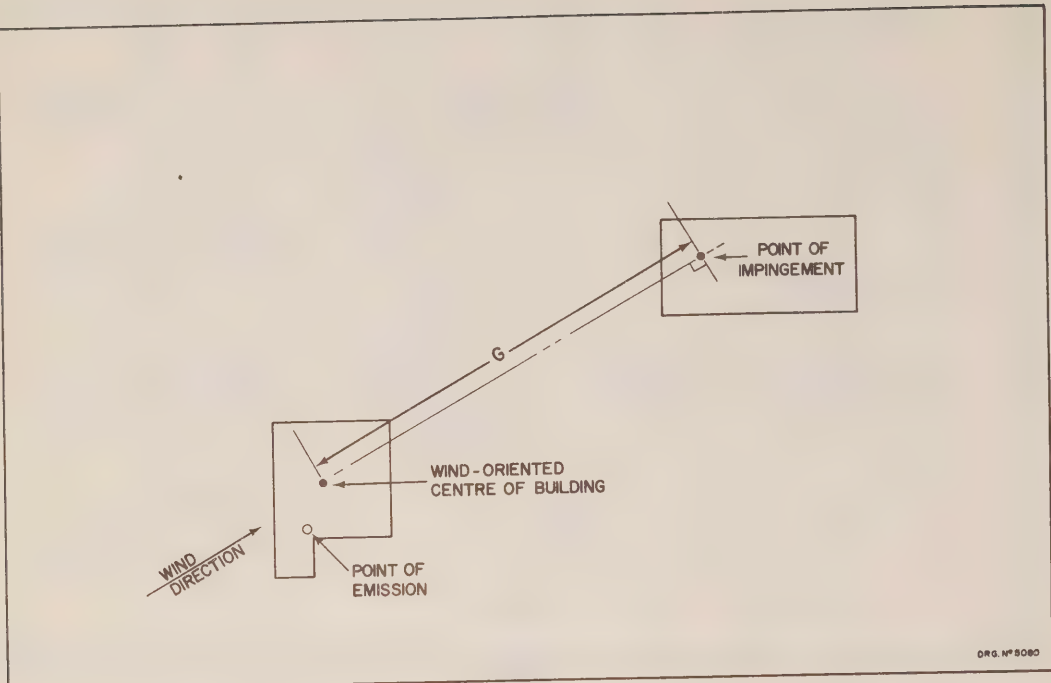


FIGURE 15.

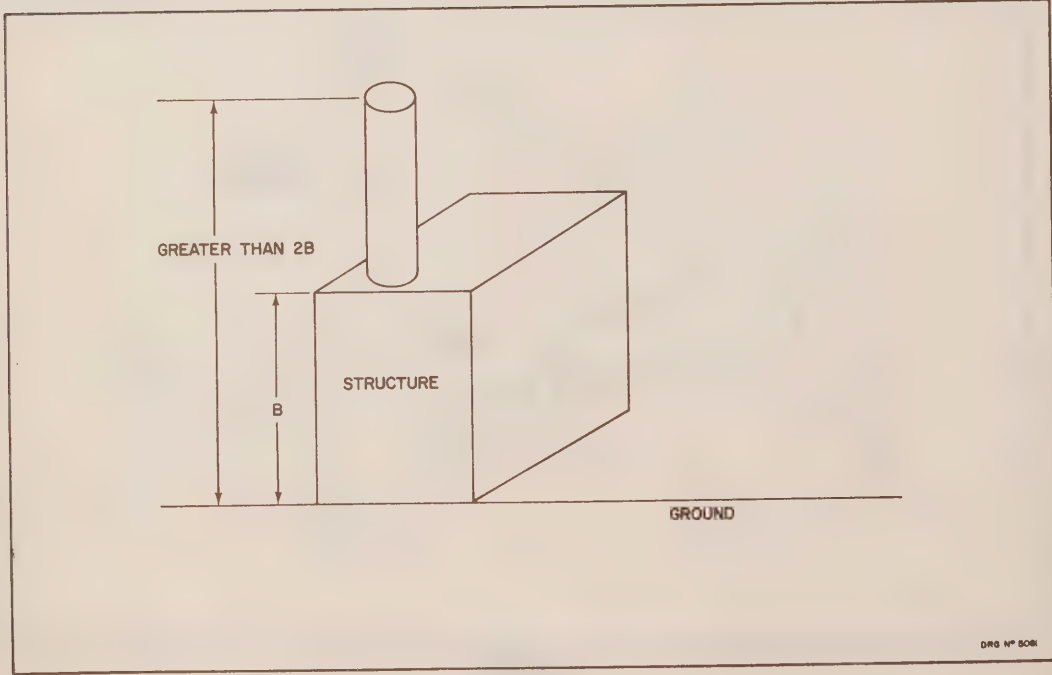


FIGURE 16.

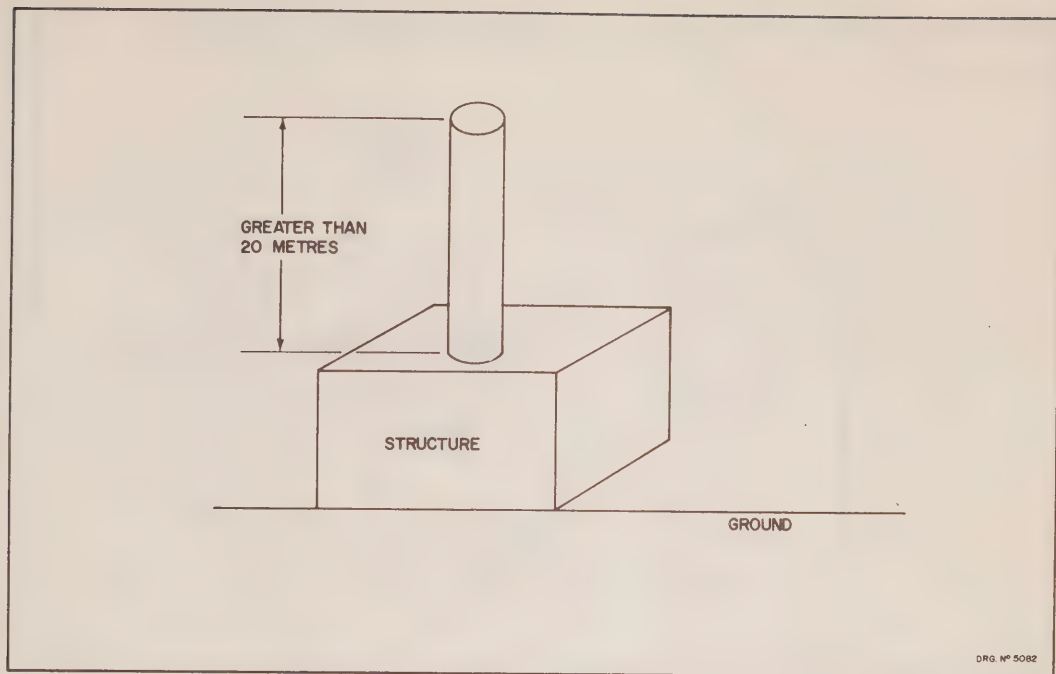


FIGURE 17.

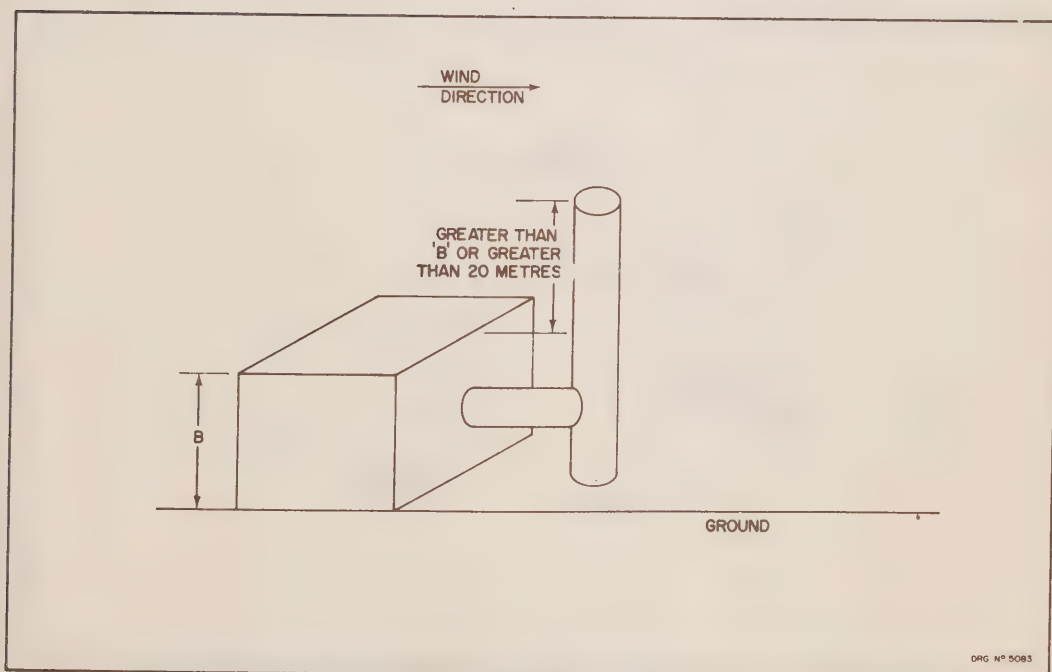


FIGURE 18.

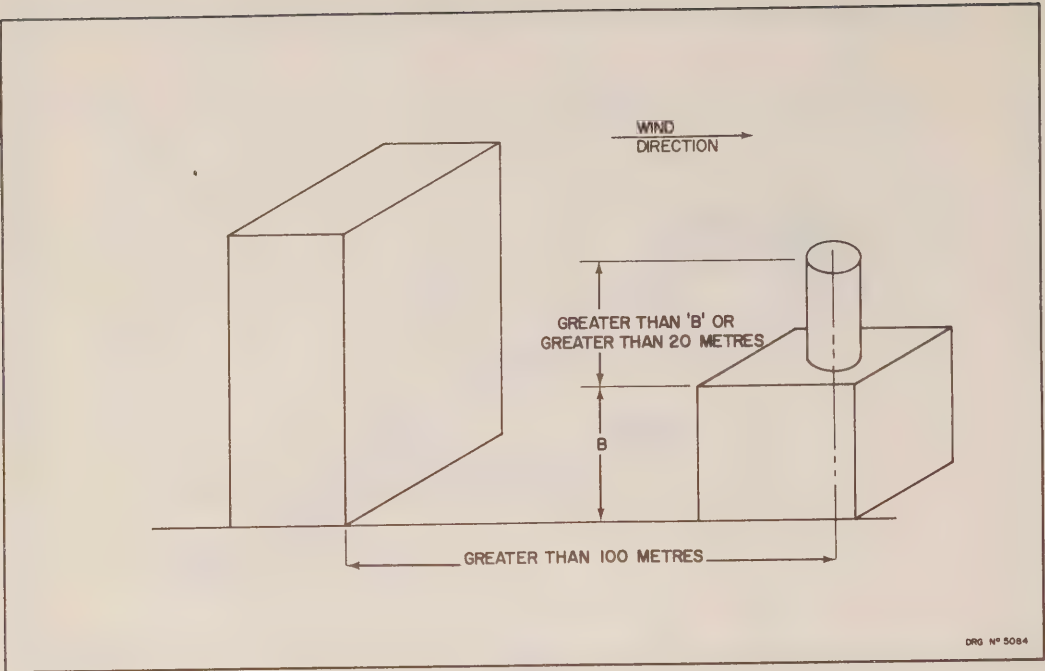


FIGURE 19.

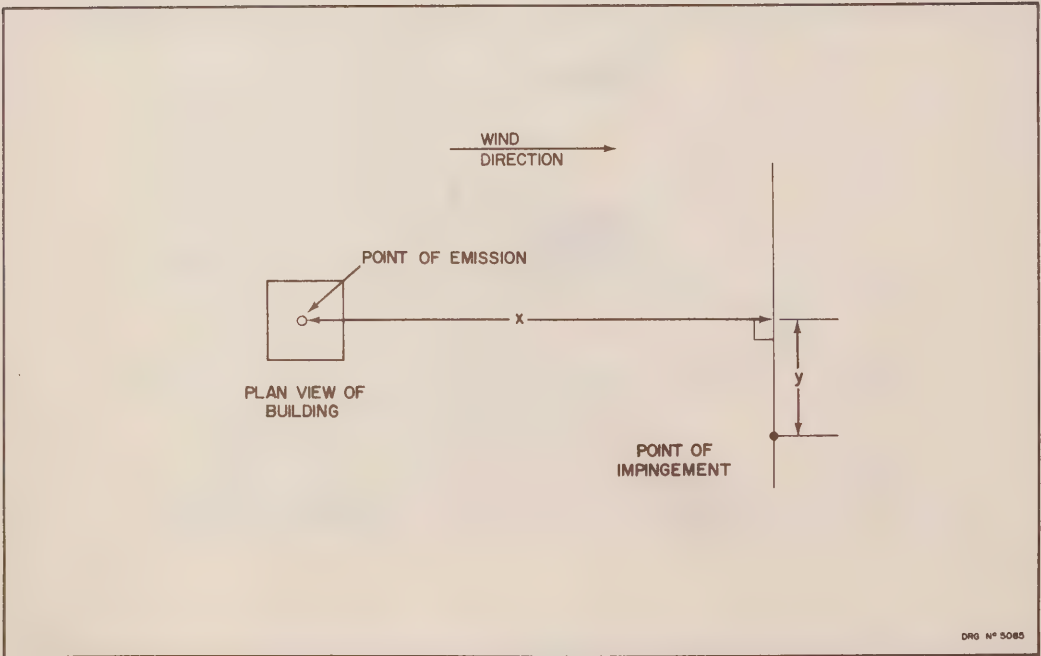
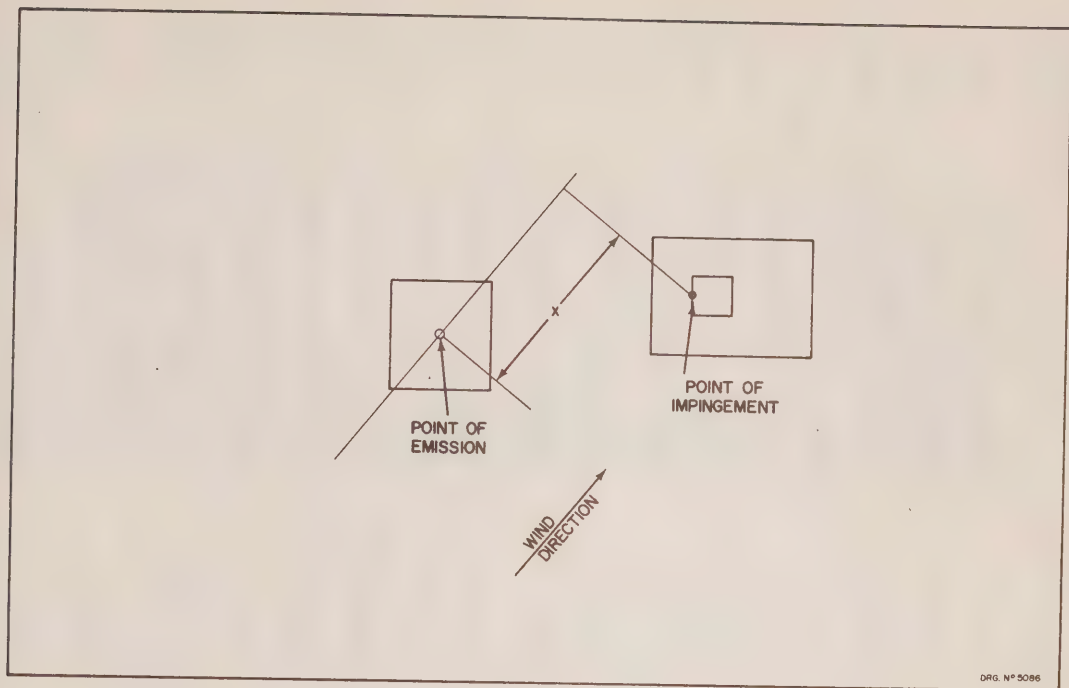
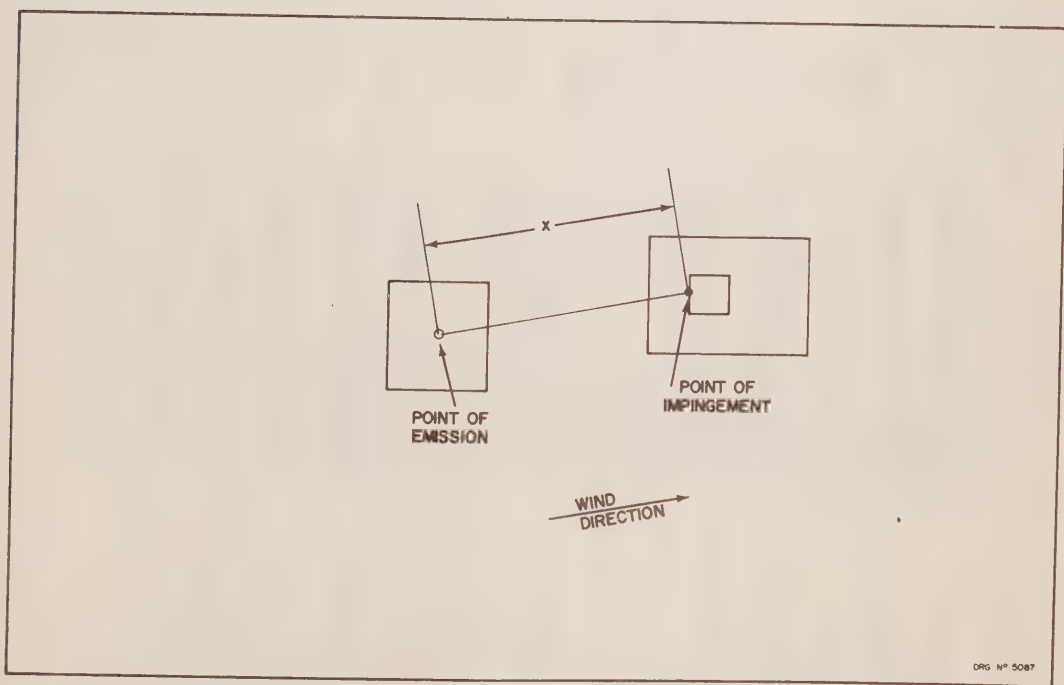


FIGURE 20.



ORG. N° 5086

FIGURE 21.



ORG. N° 5087

FIGURE 22.



Schedule 1

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Name of Contaminant	Unit of Concentration	Concentration at Point of Impingement—Half Hour Average
1.	Acetic Acid	Micrograms of acetic acid per cubic metre of air	2,500
2	Acetylene	Micrograms of acetylene per cubic metre of air	56,000
3	Ammonia	Micrograms of ammonia per cubic metre of air	3,600
4	Antimony	Total micrograms of antimony in free and combined form per cubic metre of air	75
5	Arsenic	Total micrograms of arsenic in free and combined form per cubic metre of air	75
6.	Arsine	Micrograms of arsine per cubic metre of air	30
7	Benzene	Micrograms of benzene per cubic metre of air	10,000
8.	Beryllium	Total micrograms of beryllium in free and combined form per cubic metre of air	0.03
9	Boron Tribromide	Micrograms of boron tribromide per cubic metre of air	100
10.	Boron Trichloride	Micrograms of boron trichloride per cubic metre of air	100
11.	Boron Trifluoride	Micrograms of boron trifluoride per cubic metre of air	5.0
12	Boron	Total micrograms of boron in free and combined form per cubic metre of air	100
13.	Bromine	Micrograms of bromine per cubic metre of air	70
14	Cadmium	Total micrograms of cadmium in free and combined form per cubic metre of air	5.0

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Name of Contaminant	Unit of Concentration	Concentration at Point of Impingement—Half Hour Average
15.	Calcium Hydroxide	Micrograms of calcium hydroxide per cubic metre of air	27
16.	Calcium Oxide	Micrograms of calcium oxide per cubic metre of air	20
17.	Carbon Black	Micrograms of carbon black per cubic metre of air	25
18.	Carbon Disulphide	Micrograms of carbon disulphide per cubic metre of air	330
19.	Carbon Monoxide	Micrograms of carbon monoxide per cubic metre of air	6,000
20.	Carbon Tetrachloride	Micrograms of carbon tetrachloride per cubic metre of air	20,000
21.	Chlorine	Micrograms of chlorine per cubic metre of air	300
22.	Chlorine Dioxide	Micrograms of chlorine dioxide per cubic metre of air	85
23.	Chromium	Total micrograms of chromium in free and combined form per cubic metre of air	30
24.	Copper	Total micrograms of copper in free and combined form per cubic metre of air	100
25.	Cresols	Micrograms of cresols per cubic metre of air	230
26.	Decaborane	Micrograms of decaborane per cubic metre of air	50
27.	Detergent Enzyme (Subtilisin)	Micrograms of subtilisin per cubic metre of air	1.0
28.	Diborane	Micrograms of diborane per cubic metre of air	20
29.	Dicapryl Phthalate	Micrograms of dicapryl phthalate per cubic metre of air	100
30.	Dimethyl Disulphide	Micrograms of dimethyl disulphide per cubic metre of air	40
31.	Dimethyl Sulphide	Micrograms of dimethyl sulphide per cubic metre of air	30
32.	Diocetyl Phthalate	Micrograms of dioctyl phthalate per cubic metre of air	100
33.	Dustfall	Micrograms per square metre	8,000

ITEM	COLUMN 1 Name of Contaminant	COLUMN 2 Unit of Concentration	COLUMN 3 Concentration at Point of Impingement—Half Hour Average
34.	Ethyl Acetate	Micrograms of ethyl acetate per cubic metre of air	19,000
35.	Ethyl Acrylate	Micrograms of ethyl acrylate per cubic metre of air	4.5
36.	Ethylene Oxide	Micrograms of ethylene oxide per cubic metre of air	28,500
37.	Ferric Oxide	Micrograms of ferric oxide per cubic metre of air	75
38.	Fluorides, (Gaseous) (April 15 to October 15)	Micrograms of gaseous, inorganic fluoride per cubic metre of air expressed as hydrogen fluoride	4.3
39.	Fluorides, (Total) (April 15 to October 15)	Total micrograms of inorganic fluoride per cubic metre of air expressed as hydrogen fluoride	8.6
40.	Fluorides, (Total) (October 16 to April 14)	Total micrograms of inorganic fluoride per cubic metre of air expressed as hydrogen fluoride	17.2
41.	Formaldehyde	Micrograms of formaldehyde per cubic metre of air	65
42.	Hydrogen Chloride	Micrograms of hydrogen chloride per cubic metre	100
43.	Hydrogen Cyanide	Micrograms of hydrogen cyanide per cubic metre of air	1,150
44.	Hydrogen Sulphide	Micrograms of hydrogen sulphide per cubic metre of air	30
45.	Iron (metallic)	Micrograms of metallic iron per cubic metre of air	10
46.	Lead	Total micrograms of lead in free and combined form per cubic metre of air	10
47.	Lithium Hydrides	Total micrograms of lithium hydrides per cubic metre of air	7.5
48.	Lithium	Total micrograms of lithium in other than hydride compounds per cubic metre of air	60
49.	Magnesium Oxide	Total micrograms of magnesium oxide per cubic metre of air	100
50.	Manganese	Total micrograms of manganese in free and combined form per cubic metre of air	100

ITEM	COLUMN 1 Name of Contaminant	COLUMN 2 Unit of Concentration	COLUMN 3 Concentration at Point of Impingement—Half Hour Average
51.	Mercaptans	Total micrograms of mercaptans per cubic metre of air expressed as methyl mercaptans	20
52.	Mercury (alkyl)	Total micrograms of mercury compounds per cubic metre of air	1.5
53.	Mercury	Total micrograms of mercury in free and combined form per cubic metre of air	5.0
54.	Methyl Acrylate	Micrograms of methyl acrylate per cubic metre of air	4.0
55.	Methyl Chloroform (1-1-1 Trichloroethane)	Micrograms of methyl chloroform per cubic metre of air	350,000
56.	Methyl Ethyl Ketone (2-Butanone)	Micrograms of methyl ethyl ketone per cubic metre of air	31,000
57.	Methyl Methacrylate	Micrograms of methyl methacrylate per cubic metre of air	860
58.	Milk Powder	Micrograms of milk powder per cubic metre of air	20
59.	Nickel	Total micrograms of nickel in free and combined form per cubic metre of air	5
60.	Nickel Carbonyl	Micrograms of nickel carbonyl per cubic metre of air	1.5
61.	Nitric Acid	Micrograms of nitric acid per cubic metre of air	100
62.	Nitrogen Oxides	Micrograms of nitrogen oxides per cubic metre of air expressed as NO <sub>2</sub>	500
63.	Ozone	Micrograms of ozone per cubic metre of air	200
64.	Pentaborane	Micrograms of pentaborane per cubic metre of air	3.0
65.	Pentachlorophenol	Micrograms of pentachlorophenol per cubic metre of air	90
66.	Phenol	Micrograms of phenol per cubic metre of air	100
67.	Phosgene	Micrograms of phosgene per cubic metre of air	130
68.	Phosphoric Acids	Micrograms of phosphoric acids per cubic metre of air expressed as P <sub>2</sub> O <sub>5</sub>	100

O. Reg. 872/74.  
Ambient Air Quality Criteria.  
Made—October 31st, 1974.  
Filed—November 13th, 1974.

REGULATION MADE UNDER  
THE ENVIRONMENTAL PROTECTION ACT, 1971  
AMBIENT AIR QUALITY CRITERIA

1. The desirable ambient air quality criteria for each contaminant set out in Column 1 of the Schedule is that amount of concentration or total amount of contaminant set out opposite thereto in Column 3 of the Schedule in the unit of measurement set out opposite thereto in Column 2 of the Schedule for the time set out opposite thereto in Column 4 of the Schedule. O. Reg. 872/74, s. 1.

## Schedule

ITEM	COLUMN 1 Name of Contaminant	COLUMN 2 Unit of Measurement	COLUMN 3 Average Amount of Concentration or Total Amount of Contaminant	COLUMN 4 Period of Time	COLUMN 5 Approximate Equivalent at 10°C and 760 mm Hg pressure
1.	Arsenic	Micrograms of Arsenic per cubic metre of air	25	24 hours	
2.	Cadmium	Micrograms of cadmium per cubic metre of air	2.0	24 hours	
3.	Carbon Monoxide	Parts of carbon monoxide per one million parts of air by volume	30 13	1 hour 8 hours	36,200 ug/m <sup>3</sup> 15,700 ug/m <sup>3</sup>
4.	Dustfall	Tons of dustfall per square mile per month	20 13	30 days 1 year	
5.	Fluorides (Gaseous) April 15 to October 15	Parts of fluorides per billion parts of air by volume (Expressed as HF)	1.0 0.4	24 hours 30 days	0.86 ug/m <sup>3</sup> 0.34 ug/m <sup>3</sup>
6.	Total Fluorides (Gaseous and Particulate) April 15 to October 15	Parts of fluorides per one billion parts of air by volume (Expressed as HF)	2.0 0.8	24 hours 30 days	1.72 ug/m <sup>3</sup> 0.69 ug/m <sup>3</sup>
7.	Total Fluorides (Gaseous and Particulate) October 16 to April 14	Parts of fluorides per one billion parts of air by volume (Expressed as HF)	4.0 1.6	24 hours 30 days	3.44 ug/m <sup>3</sup> 1.38 ug/m <sup>3</sup>
8.	Fluorides in Forage for Consumption by Live stock	Parts of total fluorides per one million parts forage (dry weight)	35	Individual Sample	

ITEM	COLUMN 1 Name of Contaminant	COLUMN 2 Unit of Concentration	COLUMN 3 Concentration at Point of Impingement—Half Hour Average
69.	Phthalic Anhydride	Micrograms of phthalic anhydride per cubic metre of air	100
70.	Silver	Total micrograms of silver in free and combined form per cubic metre of air	3
71.	Sulphur Dioxide	Micrograms of sulphur dioxide per cubic metre of air	830
72.	Sulphuric Acid	Micrograms of sulphuric acid per cubic metre of air	100
73.	Suspended Particulate Matter (particulate less than 44 microns in size)	Total micrograms of suspended particu- late matter per cubic metre of air	100
74.	Tetrahydrofuran	Micrograms of tetrahydrofuran per cubic metre of air	93,000
75.	Tin	Total micrograms of tin in free and com- bined form per cubic metre of air	30
76.	Titanium	Total micrograms of titanium in free and combined form per cubic metre of air	100
77.	Toluene	Micrograms of toluene per cubic metre of air	2,000
78.	Toluene Di-isocyanate	Micrograms of toluene di-isocyanate per cubic metre of air	1.0
79.	Trichloroethylene	Micrograms of trichloroethylene per cubic metre of air	85,000
80.	Trifluorotrichloro Ethane	Micrograms of trifluoro trichloroethane per cubic metre of air	2.4 million
81.	Vanadium	Total micrograms of vanadium in free and combined form per cubic metre of air	5.0
82.	Vinylidene chloride (1, 1 Dichloro Ethene)	Micrograms of vinylidene chloride per cubic metre of air	26,000
83.	Xylenes	Micrograms of xylenes per cubic metre of air	2,300
84.	Zinc	Total micrograms of zinc in free and combined form per cubic metre of air	100

O. Reg. 873/74, s. 7, part.

Schedule 2. Revoked: O. Reg. 873/74, s. 7, part.

ITEM	COLUMN 1 Name of Contaminant	COLUMN 2 Unit of Measurement	COLUMN 3 Average Amount of Concentration or Total Amount of Contaminant	COLUMN 4 Period of Time	COLUMN 5 Approximate Equivalent at 10°C and 760 mm Hg pressure
9	Fluoridation (total) April 15 to October 15	Micrograms of total fluorides collected by 100 sq. centimetres of lined filter paper	40	30 days	
10	Fluoridation (total) October 16 to April 14	Micrograms of total fluorides collected by 100 sq. centimetres of lined filter paper	80	30 days	
11	Hydrogen Sulphide	Parts of hydrogen sulphide per one million parts of air by volume	0.02	1 hour	30 ug/m³
12	Lead	Micrograms of lead per cubic metre of air	5.0 2.0 geometric mean	24 hours 30 days	
13	Mercaptans	Parts of mercaptans per one million parts of air by volume (Expressed as methyl mercaptan)	0.01	1 hour	20 ug/m³
14	Mercury	Micrograms of mercury per cubic metre of air	2.0	24 hours	
15	Nickel	Micrograms of Nickel per cubic metre of air	2.0	24 hours	
16	Nitrogen Dioxide	Parts of nitrogen dioxide per one million parts of air by volume	0.20 0.10	1 hour 24 hours	400 ug/m³ 200 ug/m³
17	Oxidants (total)	Parts of total oxidants per one million parts of air by volume	0.10	1 hour	
18	Ozone	Parts of ozone per one million parts of air by volume	0.08	1 hour	165 ug/m³
19	Soiling	Coefficient of Haze per 1,000 feet of air	1.0 0.5	24 hours 1 year	
20	Sulphation	Milligrams of sulphur trioxide per 100 sq. cm of exposed lead peroxide per day	0.7	30 days	
21	Sulphur Dioxide	Parts of sulphur dioxide per one million parts of air by volume	0.25 0.10 0.02	1 hour 24 hours 1 year	690 ug/m³ 275 ug/m³ 55 ug/m³

ITEM	COLUMN 1 Name of Contaminant	COLUMN 2 Unit of Measurement	COLUMN 3 Average Amount of Concentration or Total Amount of Contaminant	COLUMN 4 Period of Time	COLUMN 5 Approximate Equivalent at 10°C and 760 mm Hg pressure
22	Suspended Particulate Matter	Micrograms of suspended particulate matter per cubic metre of air	120 60 geometric mean	24 hours 1 year	
23	Vanadium	Micrograms of vanadium per cubic metre of air	2.0	24 hours	

O. Reg. 872/74, Sched., O. Reg. 158/75, s. 1.





A P P E N D I X      2

The Ontario Water Resources Act



## The Ontario Water Resources Act

# The Ontario Water Resources Act

Revised Statutes of Ontario, 1970  
Chapter 332

as amended by

1972, Chapter 1, s. 70; 1973, Chapter 90;  
1974, Chapter 19 and 1975, Chapter 71

and

Ontario Regulation 54/76

### 1. In this Act,

Interpre-  
tation

(a) "Board" means the Ontario Municipal Board;

(b) "borrowings of the Commission" includes all loans raised by the Commission by the issue of debentures or otherwise and all advances from the Province to the Commission;

(c) "Commission" means the Ontario Water Resources Commission;

(ca) "Crown" means Her Majesty the Queen in right of Ontario;

(f) "construction" includes reconstruction, improvement, extension, alteration, replacement and repairs, and "construct" has a corresponding meaning;

(g) "cost" means,

(i) in relation to a project under an agreement entered into before the 1st day of April, 1974, the cost thereof as determined by the Minister and includes interest during construction and such engineering fees and other charges and expenses in connection with construction as the Minister may determine, and such proportion of discounts, commissions and other charges and expenses in respect of the issue of debentures by the Crown as the Minister in his discretion may allocate to the project, or

(ii) in relation to a project under an agreement entered into on or after the 1st day of April, 1974, the cost thereof as determined by the Minister and includes such engineering fees and other charges and expenses in connection with construction as

matter or substance as is specified by regulations made under clause 1 of subsection 1 of section 62;

(g) "sewage works" means any works for the collection, transmission, treatment and disposal of sewage, or any part of any such works, but does not include plumbing or other works to which regulations made under clause f of subsection 1 of section 62 apply;

(ga) "Treasurer" means the Treasurer of Ontario and Minister of Economics and Intergovernmental Affairs;

(r) "water works" means any works for the collection, production, treatment, storage, supply and distribution of water, or any part of any such works, but does not include plumbing or other works to which regulations made under clause f of subsection 1 of section 62 apply. R.S.O. 1970, c. 332, s. 1; 1972, c. 1, s. 70 (2, 3, 7-11); 1972, c. 1, s. 104 (1); 1973, c. 90, s. 1; 1974, c. 19, s. 1; 1975, c. 71, s. 1.

#### ADMINISTRATION

2. The Minister of the Environment is responsible for Administration of this Act. 1972, c. 1, s. 70 (12), *part.*

#### THE COMMISSION

3.—(1) The Ontario Water Resources Commission is dissolved.

(2) Every contract, negotiable instrument, agreement, security and covenant, and every conveyance, transfer or instrument with respect to any property or any interest therein, given to or received by or for the benefit of the Ontario Water Resources Commission or to which the Ontario Water Resources Commission is a party immediately before this section comes into force,

(a) shall enure to the benefit of and be binding upon the Crown; and

(b) may be enforced in accordance with the terms thereof as if received by or for the benefit of or entered into with the Crown,

and every reference therein to the Ontario Water Resources Commission shall be deemed to be a reference to the Crown, and the Minister, except with respect to rates

the Minister may determine and such financing costs applicable to the project as the Treasurer may determine and the Minister in his discretion may allocate to the project;

(h) "date of completion" of a project means the date that is certified by the Minister as being the date on which the project is completed to the extent necessary to enable the Minister to supply water or to receive, treat and dispose of sewage, as the case may be;

(i) "debentures" includes bonds, notes and other securities;

(ia) "Director" means a Director appointed under section 8;

(ib) "Environmental Assessment Board" means the Environmental Assessment Board established under *The Environmental Assessment Act, 1975*;

(j) "land" includes any estate, term, easement, right or interest in, to, over or affecting land;

(k) "Minister" means the Minister of the Environment;

(ka) "Ministry" means the Ministry of the Environment;

(l) "municipality" means the corporation of a county, metropolitan area, regional area, district area, city, town, village, township or improvement district and includes a local board thereof and a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes, in an unorganized township or unsurveyed territory;

(m) "owner" means a municipality or person having authority to construct, maintain, operate, repair, improve or extend water works or sewage works;

(n) "project" means water works or sewage works provided for in an agreement under section 52;

(o) "Province" means the Province of Ontario;

(p) "sewage" includes drainage, storm water, commercial wastes and industrial wastes and such other

under agreements made under subsection 1a of section 17 and subsection 3 of section 52, may exercise every power, right, privilege and discretion therein or with respect thereto that the Commission could have exercised.

Transfer of assets, etc.

(3) All assets and liabilities of the Ontario Water Resources Commission vest in and are binding upon the Crown. 1972, c. 1, s. 70 (12), *part*.

Amendment of reference to Ontario Water Resources Commission

(4) A reference to the Commission in any direction, order, report, approval, notice, permit, licence or document made, given or issued under this Act before this section comes into force shall be deemed to be a reference to a Director, in whom the power to make, give or issue such direction, order, report, approval, notice, permit, licence or document is vested under this Act and who is hereby empowered to exercise any power, right or discretion in any such direction, order, report, approval, notice, permit, licence or document made, given or issued before this section comes into force. 1972, c. 1, s. 70 (12) *part*; 1974, c. 19, s. 3 (1).

Reference in regulation

(5) A reference to the Commission in Regulation 644 of Revised Regulations of Ontario, 1970, shall be deemed to be a reference to a Director. 1974, c. 19, s. 3 (2), *part*.

Idem

(5a) A reference to the Commission in Regulation 647 of Revised Regulations of Ontario, 1970, shall be deemed to be a reference to the Minister of Consumer and Commercial Relations. 1974, c. 19, s. 3 (2), *part*; O. Reg. 54/76.

Reference under Acts

(6) A reference in any other Act or in any regulation or document made or issued under or pursuant to any other Act to the Ontario Water Resources Commission shall be deemed to be a reference to the Minister.

Actions or proceedings

(7) A reference to the Ontario Water Resources Commission in any action or proceeding that is commenced before this section comes into force shall be deemed to be a reference to the Crown and the Minister may exercise any right, power, privilege or discretion with respect to the action or proceeding that the Commission could have exercised. 1972, c. 1, s. 70 (12), *part*.

Rates

(8) Every power, right, privilege and discretion with respect to rates under agreements made under subsection 1a of section 17 and subsection 3 of section 52 may be exercised by a Director. 1972, c. 1, s. 70 (12), *part*; 1974, c. 19, s. 2 (c).

Idem

(9) Any action taken or notice given or hearing held by the Commission immediately before this section comes

into force with respect to any licence, permit, notice, direction, order, report or approval shall be deemed to have been taken, given or held by the Director in whom the power to make, issue or give such licence, permit, notice, direction, order, report or approval is vested under this Act. 1972, c. 1, s. 70 (12), *part*; 1974, c. 19, s. 3 (3).

4. A copy of any by-law, resolution or minute of the Commission or of any direction, order, report, approval, notice, permit or licence made or issued by the Commission, certified by the secretary or assistant secretary under the seal of the Commission to be a true copy, shall be received as *prima facie* evidence in any court without further proof. R.S.O. 1970, c. 332, s. 4.

5. REPEALED: 1974, c. 19, s. 4.

6, 7. REPEALED: 1972, c. 1, s. 70 (48).

8.—(1) The Minister shall appoint in writing such employees of the Ministry as he considers necessary as Directors in respect of such sections of this Act and in respect of such of the regulations or sections thereof as are set out in the appointments.

(2) The Minister, in an appointment pursuant to subsection 1, may limit the authority of a Director in such manner as the Minister considers necessary or advisable. 1974, c. 19, s. 5.

9. Where under this Act any power, duty or authority is granted to or vested in the Minister, other than the power to expropriate, he may in writing, subject to the approval of the Lieutenant Governor in Council, delegate that power, duty or authority to the Deputy Minister or to any officer or officers of the Ministry, subject to such limitations, restrictions, conditions and requirements as the Minister may set out in the delegation. 1972, c. 1, s. 70 (13), *part*.

9a.—(1) to (9) REPEALED: 1975, c. 71, s. 3 (1).

(10) Where a Director is required or permitted to hold a hearing or considers a hearing necessary or advisable under this Act, he may by a notice in writing and on such terms and conditions as he may direct, require the Environmental Assessment Board to hold the hearing. 1972, c. 1, s. 70 (13), *part*; 1974, c. 19, s. 2 (d); 1975, c. 71, s. 2.

(11) Upon receipt of notice from a Director referred to in subsection 10, the Environmental Assessment Board shall hold a public hearing.

When Environmental Assessment Board to hold public hearing



hold a public hearing with respect to the subject-matter of the notice and shall report thereon to the Director. 1974, c. 19, s. 6; 1975, c. 71, s. 2.

#### Procedure

1975, c. 69

(12) Except where otherwise provided in this Act and notwithstanding the requirement that a hearing be a public hearing, the provisions of Part III of *The Environmental Assessment Act*, 1975 apply where a hearing is required to be held under this Act by the Environmental Assessment Board. 1975, c. 71, s. 3 (2).

#### Application of 1975, c. 69

(12a) Subsections 12 and 14 to 20 of section 18 and sections 20 and 24 of *The Environmental Assessment Act*, 1975 do not apply where a hearing is required to be held under this Act by the Environmental Assessment Board.

#### Hearings

(12b) Where a hearing is required to be held under this Act by the Environmental Assessment Board,

(a) the Board shall determine its own practice and procedure in relation to hearings and may, subject to the approval of the Lieutenant Governor in Council, make rules governing such practice and procedure and the exercise of its powers in relation thereto and prescribe such forms as are considered advisable;

(b) the member or members conducting a hearing shall prepare and submit to the Board a draft report of the Board referred to in clause e and, after notice of the purpose of the meeting has been given to all members of the Board, the Board shall consider the draft report at a meeting of the Board called for the purpose of preparing the report and the Board in preparing the report may,

- (i) adopt the draft report,
- (ii) adopt the draft report with such changes as the Board considers advisable, or
- (iii) reject the draft report and take such other action for the purpose of preparing the report, including the holding of additional hearings, as the Board considers advisable;

(c) a hearing by the Board is for the purpose of making a report containing information and advice and the report is not in any way legally binding in any decision or determination that may be made;

(d) for the purposes of the exercise of any power or authority or the discharge of any duty by the Board or any member or members thereof conducting a hearing, the Board, or such member or members, has or have the powers of a commission under Part II of *The Public Inquiries Act*, 1971, c. 49 which Part applies to the exercise of such power or authority and the discharge of such duty as if it were an inquiry under that Act; and

(e) the report of the Board shall contain a summary of the information presented and the views expressed at the hearing and its recommendations in respect of the subject-matter of the hearing, together with its reasons therefor. 1975, c. 71, s. 3 (3).

(13) REPEALED: 1975, c. 71, s. 3 (4), *part*.

(14) On the direction in writing of a Director, where the <sup>Hearings commenced by Commission</sup> Commission, immediately before this section comes into force, proposed to hold or commenced but did not complete a hearing, the hearing shall be held or continued by the Environmental Assessment Board and any action or notice taken or given by the Commission shall be deemed to have been taken or given by the Environmental Assessment Board. 1972, c. 1, s. 70 (13), *part*; 1974, c. 19, s. 2 (d); 1975, c. 71, s. 2.

(15) REPEALED: 1975, c. 71, s. 3 (4), *part*.

10. REPEALED: 1972, c. 1, s. 70 (48).

11. REPEALED: 1973, c. 90, s. 2.

12, 13. REPEALED: 1974, c. 19, s. 7.

14. - 16. REPEALED: 1972, c. 1, s. 70 (48).

17.—(1) Notwithstanding any other Act, it is the function of the Minister and he has power,

- (b) to construct, acquire, provide, operate and maintain water works and to develop and make available supplies of water to municipalities and persons;
- (c) to construct, acquire, provide, operate and maintain sewage works and to receive, treat and dispose of sewage delivered by municipalities and persons;
- (e) to conduct research programs and to prepare statistics for his purposes;

(f) to disseminate information and advice with respect to the collection, production, transmission, treatment, storage, supply and distribution of water or sewage; and

(g) to perform such functions or discharge such duties as may be assigned to him from time to time by the Lieutenant Governor in Council. R.S.O. 1970, c. 332, s. 17 (1); 1972, c. 1, s. 70 (2, 15); 1974, c. 19, s. 8.

#### Idem

(1a) Notwithstanding any other Act, the Crown, represented by the Minister, may make agreements with any one or more municipalities or persons with respect to a supply of water or the reception, treatment and disposal of sewage. 1972, c. 1, s. 70 (16), *part*.

#### Power of Director

(1b) Notwithstanding any other Act, it is the function of a Director and he has power to control and regulate the collection, production, treatment, storage, transmission, distribution and use of water for public purposes and to make orders with respect thereto. 1972, c. 1, s. 70 (16), *part*; 1974, c. 19, s. 2 (a).

#### Offence

(2) Every person who contravenes any order made under subsection 1b is guilty of an offence and on summary conviction is liable to a fine of not more than \$100 for every day or part thereof during which such contravention continues. R.S.O. 1970, c. 332, s. 17 (2); 1972, c. 1, s. 70 (17).

#### Agreements under s. 17

18. Any municipality may enter into agreements with the Crown under subsection 1a of section 17, and subsections 4 to 8 of section 52, section 54 and subsection 5 of section 56 apply *mutatis mutandis* to such agreements. R.S.O. 1970, c. 332, s. 18; 1972, c. 1, s. 70 (3, 18).

#### Municipal powers

19. The Minister may for his purposes exercise any or all of the powers that are conferred by any general Act upon a municipality respecting the establishment, construction, maintenance or operation of water works or sewage works. R.S.O. 1970, c. 332, s. 19; 1972, c. 1, s. 70 (2).

#### Inspection of premises, etc.

20.—(1) The Minister and his employees and agents may at any time for his purposes, without consent and without compensation, enter into the lands or buildings of the Province or of any municipality or of any person, or into any highway or road under the jurisdiction and control of any public authority, or into any boat or ship to which the regulations under clause n of subsection 1 of

section 62 apply, and may make such surveys, examinations, investigations, inspections or other arrangements as he considers necessary. R.S.O. 1970, c. 332, s. 20 (1); 1972, c. 1, s. 70 (2); 1974, c. 19, s. 9.

(2) The Minister and his employees and agents may for his purposes, without consent and without compensation, lay, maintain, repair, alter or replace such pipes and appurtenances thereto as he considers necessary in, upon, through, over and under any highway or road under the jurisdiction and control of any public authority. R.S.O. 1970, c. 332, s. 20 (2); 1972, c. 1, s. 70 (2).

(3) Lands, buildings, highways or roads disturbed by the exercise of any of the powers mentioned in subsection 1 or 2 shall be restored to their original condition without unnecessary delay. R.S.O. 1970, c. 332, s. 20 (3).

(4) Every person who hinders or obstructs any employee or agent of the Minister in the exercise of his powers or the performance of his duties under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$200 for every day upon which the offence is committed or continues. R.S.O. 1970, c. 332, s. 20 (4); 1972, c. 1, s. 70 (2).

#### 21.—(1) The Minister, for and on behalf of the Crown, Acquisition of land, etc.

may for the purposes of this Act, acquire by purchase, lease or otherwise or, without the consent of the owner, enter upon, take possession of, appropriate and use land and may use the waters of any lake, river, pond, spring or stream as may be considered necessary for his purposes, and, upon such terms as he considers proper, may sell, lease or dispose of any land that in his opinion is not necessary for his purposes. R.S.O. 1970, c. 332, s. 21 (1); 1972, c. 1, s. 70 (2, 19).

#### (2) The Minister in the exercise of his powers to take Expropriation

such land compulsorily has all the powers conferred by *The Ministry of Government Services Act, 1973* on the Minister of Government Services in relation to a public work, and in the application of this section where the words "the Minister", "the Ministry" or "the Crown" appear in such Act they, where the context permits, mean the Minister, and the taking of such land by the Minister shall be deemed to be for the public purposes of Ontario. R.S.O. 1970, c. 332, s. 21 (2); 1972, c. 1, ss. 1, 70 (2), 74 (1, 3); 1973, c. 2, s. 2.

(3) The Minister shall proceed in the manner provided by *Procedure The Ministry of Government Services Act, 1973* where the

Minister of Government Services enters upon, takes or uses land for the public purposes of Ontario and *The Expropriations Act* applies. R.S.O. 1970, c. 332, s. 21 (3); 1972, c. 1, ss. 70 (2), 74 (1, 3); 1973, c. 2, s. 2.

(4) For the purpose of this section, "owner" has the same meaning as in *The Ministry of Government Services Act*, 1973. R.S.O. 1970, c. 332, s. 21 (4); 1972, c. 1, s. 74 (1, 3); 1973, c. 2, s. 2.

**22.** Subject to section 21, *The Ministry of Government Services Act*, 1973 does not apply to real or personal property of the Crown acquired for the purpose of a project or for the provision of water or sewage service by the Minister as defined in section 61. R.S.O. 1970, c. 332, s. 22; 1972, c. 1, ss. 70 (2, 3), 74 (1); 1973, c. 2, s. 2.

**23.**—(1) A right or interest in, over, above, upon, across, along, through, under or affecting any land or any covenant or condition relating thereto, in respect of water or sewage works, in favour of the Crown or any municipality having a contract with the Crown in respect of water or sewage works is valid and enforceable in accordance with the terms of the instrument granting, creating or containing them, notwithstanding that the right or interest or the benefit of the covenant or condition is not appurtenant or annexed to or for the benefit of any land of the Crown or the municipality. R.S.O. 1970, c. 332, s. 23 (1); 1972, c. 1, s. 70 (3).

(2) On and after the registration of an instrument to which subsection 1 applies in the proper registry or land titles office, all the rights, interests, covenants and conditions granted or created by or contained in the instrument are binding upon and enure to the benefit of the heirs, successors, personal representatives and assigns of the parties to the instrument.

(3) A party to an instrument to which subsection 1 applies or, a person to whom subsection 2 applies is not liable for breach of a covenant or condition contained in the instrument committed after he ceased to be the owner of the land therein mentioned, or after he ceased to hold the interest in the land by virtue of which he or his predecessor in title executed the instrument.

(4) Where the land mentioned in an instrument to which subsection 1 applies is sold for taxes, the land shall be deemed to have been sold subject to any right or interest granted or created by and any condition or covenant contained in the instrument.

R.S.O. 1970,  
c. 154

Interpre-  
tation

Application  
of 1973, c. 2  
to property  
acquired  
for water  
or sewage  
service

Instruments  
creating  
rights  
affecting  
land or  
covenants  
or easements

Terms of  
instrument  
binding on  
successors

Liability  
of grantor  
for breach  
of covenant  
limited

Land  
to remain  
subject to  
instrument  
granted  
for taxes

(5) This section applies to rights, interests, covenants Application and conditions granted or created by or contained in any instrument of the type mentioned in subsection 1, executed after the 28th day of March, 1956. R.S.O. 1970, c. 332, s. 23 (2-5).

**24, 25.** REPEALED: 1974, c. 19, s. 10.

**26.** REPEALED: 1974, c. 19, s. 11.

**27.** REPEALED: 1974, c. 19, s. 12.

**28, 29.** REPEALED: 1972, c. 1, s. 70 (48).

#### WATER

**30.** Under sections 31, 32, 34 and 36 the quality of Where quality of water shall be deemed to be impaired if, notwithstanding water that the quality of the water is not or may not become deemed to be impaired, the material deposited or discharged or caused or permitted to be deposited or discharged or any derivative of such material causes or may cause injury to any person, animal, bird or other living thing as a result of the use or consumption of any plant, fish or other living matter or thing in the water or in the soil in contact with the water. R.S.O. 1970, c. 332, s. 30.

**31.**—(1) For the purposes of this Act, the Minister has Supervision of waters the supervision of all surface waters and ground waters in Ontario. R.S.O. 1970, c. 332, s. 31 (1); 1972, c. 1, s. 70 (2).

(2) The Minister may examine any surface waters or Examination for pollution ground waters in Ontario from time to time to determine what, if any, pollution exists and the causes thereof. R.S.O. 1970, c. 332, s. 31 (2); 1972, c. 1, s. 70 (2).

(3) Where any person is discharging or depositing or Intention to prevent pollution causing or permitting the discharge or deposit of any material of any kind into or in or near any well, lake, river, pond, spring, stream, reservoir or other body of water or watercourse that, in the opinion of the Minister, may impair the quality of the water in such well, lake, river, pond, spring, stream, reservoir or other body of water or watercourse, the Minister may apply *ex parte* to a judge of the Supreme Court or of the county or district court of the county or district in which the material is being discharged or deposited for an order prohibiting such discharge or deposit for such period not exceeding twenty-one days and on such terms and conditions as the judge considers proper, and such order may, on application to a judge



of the Supreme Court or of the county or district court of the county or district in which the material is being discharged or deposited, be continued for such period and on such terms and conditions as the judge considers proper. R.S.O. 1970, c. 332, s. 31 (3); 1972, c. 1, s. 70 (2).

Discharge of polluting material prohibited

**32.—**(1) Every municipality or person that discharges or deposits or causes or permits the discharge or deposit of any material of any kind into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse or on any shore or bank thereof or into or in any place that may impair the quality of the water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse is guilty of an offence and on summary conviction is liable on first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000 or to imprisonment for a term of not more than one year, or to both such fine and imprisonment.

Separate offences

(2) Each day that a municipality or person contravenes subsection 1 constitutes a separate offence. R.S.O. 1970, c. 332, s. 32 (1, 2).

Minister to be notified when polluting material is discharged, deposited or escapes

(3) Every municipality or person that discharges or deposits or causes or permits the discharge or deposit of any material of any kind, and such discharge or deposit is not in the normal course of events, or from whose control material of any kind escapes into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse or on any shore or bank thereof or into or in any place that may impair the quality of the water of any well, lake, river, pond, spring, stream, reservoir or other water or watercourse, shall forthwith notify the Minister of the discharge, deposit or escape, as the case may be. R.S.O. 1970, c. 332, s. 32 (3); 1972, c. 1, s. 70 (2).

Offence

(4) Every municipality or person that fails to notify the Minister as provided in subsection 3 is guilty of an offence and on summary conviction is liable to a fine of not more than \$5,000. R.S.O. 1970, c. 332, s. 32 (4); 1972, c. 1, s. 70 (2).

Where subs. 1 does not apply

(5) The discharge into any lake, river, stream or other water or watercourse of sewage from sewage works that have been constructed and are operated in accordance with the approval of the former Department of Health, the Commission or the Executive Director, Water Supply and Pollution Control, of the Ministry or a Director or in conformity with any order of the Board is not a contravention of subsection 1. R.S.O. 1970, c. 332, s. 32 (5); 1972, c. 1, s. 70 (22); 1974, c. 19, s. 13.

**33.—**(1) A Director may by order prohibit or regulate the discharge or deposit by any municipality or person of any sewage into or in any well, lake, river, pond, spring, stream, reservoir or other water or watercourse, and any such order may be amended, varied or revoked by the Director as he considers desirable. R.S.O. 1970, c. 332, s. 33 (1); 1972, c. 1, s. 70 (23); 1974, c. 19, s. 2 (a).

(2) Every municipality or person that contravenes an order made under subsection 1 is guilty of an offence and on summary conviction is liable on first conviction to a fine of not more than \$5,000 and on each subsequent conviction to a fine of not more than \$10,000.

(3) Each day that a municipality or person contravenes an order made under subsection 1 constitutes a separate offence. R.S.O. 1970, c. 332, s. 33 (2, 3).

**34.—**(1) Where, in the opinion of a Director it is in the public interest to do so, the Director may by order require any municipality or industrial or commercial enterprise to have on hand and available at all times such equipment, chemicals and other materials as the order specifies to alleviate the effects of any impairment of the quality of water that may be caused by the municipality or industrial or commercial enterprise. R.S.O. 1970, c. 332, s. 34 (1); 1974, c. 19, s. 2 (a).

(2) Every municipality or industrial or commercial enterprise that contravenes an order of a Director made under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$500 for every day the contravention continues. R.S.O. 1970, c. 332, s. 34 (2); 1974, c. 19, s. 2 (a).

**35. REPEALED:** 1972, c. 1, s. 70 (24).

**36.—**(1) An area may be defined by a Director that includes a source of public water supply,

Area defined for protection of public water supply

- (a) wherein no person shall swim or bathe; or
- (b) wherein no material of any kind that may impair the quality of water therein shall be placed, deposited, discharged or allowed to remain; or
- (c) wherein no act shall be done and no water shall be taken that may unduly diminish the amount of water available in such area as a public water supply.

and thereupon the municipality or person who has a right to use the water from such source for the purpose of a public water supply shall give notice of the area so defined by publication, posting or otherwise as the Director considers necessary for the protection of the source of public water supply. 1974, c. 19, s. 14.

Offences

- (2) Every person,
  - (a) who swims or bathes within an area defined under clause a of subsection 1; or
  - (b) who places, deposits, discharges or allows to remain within an area defined under clause b of subsection 1 any material of any kind that may impair the quality of the water therein; or
  - (c) who does any act or takes water within an area defined under clause c of subsection 1 so that the amount of water available within the area as a public water supply may be unduly diminished,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than one year, or to both.

Application

(3) Subsection 2 does not apply where the act or taking of water that may unduly diminish the amount of water available as a public water supply within an area defined under subsection 1 was commenced before the notice of the area is given as required under subsection 1. R.S.O. 1970, c. 332, s. 36 (2, 3).

Interpretation

**37.**—(1) In this section, reference to the taking of water for use for domestic or farm purposes means the taking of water by any person other than a municipality or a company public utility for ordinary household purposes or for the watering of livestock, poultry, home gardens or lawns, but does not include the watering or irrigation of crops grown for sale.

Idem

(2) In subsection 4, the reference to the taking of water for the watering of livestock or poultry does not include the taking of surface water into storage for the watering of livestock or poultry. R.S.O. 1970, c. 332, s. 37 (1, 2).

(3) Notwithstanding any general or special Act or regulation or order made thereunder and subject to subsection 5, no person shall take more than a total of 10,000 gallons of water in a day.

- (a) by means of a well or wells that are constructed or deepened after the 29th day of March, 1961; or
  - (b) by means of an inlet or inlets from a surface source of supply, where the inlet or inlets is or are installed in the source of supply or is or are enlarged after the 29th day of March, 1961; or
  - (c) by means of a structure or works constructed after the 29th day of March, 1961 for the diversion or storage of water; or
  - (d) by any combination of the means referred to in clauses a, b and c,
- without a permit issued by a Director. R.S.O. 1970, c. 332, s. 37 (3); 1974, c. 19, s. 2 (b).

(4) Notwithstanding any general or special Act or any regulation or order made thereunder, where the taking of water for any purpose, other than the taking of water by any person except a municipality or company public utility for use for ordinary household purposes or for the watering of livestock or poultry and other than the taking of water by any person for fire fighting, interferes, in the opinion of a Director, with any public or private interest in any water, the Director may, by notice served on or sent by registered mail to the person who is taking or is responsible for the taking of water that so interferes, prohibit the person from so taking water without a permit issued by the Director. R.S.O. 1970, c. 332, s. 37 (4); 1974, c. 19, s. 2 (b).

(5) Subsection 3 does not apply to the taking of water by any person for use for domestic or farm purposes or for fire fighting. R.S.O. 1970, c. 332, s. 37 (5).

(6) A Director may in his discretion issue, refuse to issue or cancel a permit, may impose such terms and conditions in issuing a permit as he considers proper and may alter the terms and conditions of a permit after it is issued. R.S.O. 1970, c. 332, s. 37 (6); 1974, c. 19, s. 2 (b).

(7) Where the flowing or leaking of water from a well, or the diversion, flowing or release of water from or by means of a hole or excavation made in the ground for any purpose other than the taking of water, interferes, in the opinion of a Director, with any public or private interest in any water, the Director may, by notice served on or sent to the person who constructed or made such well, hole or excavation or to the registered owner of the land in which such well, hole or excavation is located, require the person or owner to stop

Taking of water regulated



or regulate such flowing, leaking, diversion or release of water in such manner and within such time as the Director may direct, or require such person or owner to take such measures in relation to such flowing, leaking, diversion or release of water as the notice may require. R.S.O. 1970, c. 332, s. 37 (7); 1974, c. 19, s. 2 (b).

Offences

(8) Every person who contravenes,

(a) subsection 3 or 4; or

(b) a notice served on him or received by him or on his behalf under subsection 4 or 7; or

(c) any of the terms and conditions of a permit issued by a Director,

is guilty of an offence and on summary conviction is liable to a fine of not more than \$200 for every day the contravention continues. R.S.O. 1970, c. 332, s. 37 (8); 1974, c. 19, s. 2 (b); 1974, c. 19, s. 15.

38. REPEALED: 1973, c. 90, s. 3.

Drilling and boring wells, etc., prohibited in certain areas

39.—(1) No person shall make a well or hole in the ground for the purpose of obtaining water, except by digging, in any area designated by the regulations made under this Act, without a permit issued by a Director. R.S.O. 1970, c. 332, s. 39 (1); 1974, c. 19, s. 2 (b).

Permit

(2) A Director may in his discretion issue, refuse to issue, or cancel a permit, may impose such terms and conditions in issuing a permit as he considers proper and may alter the terms and conditions of a permit after it is issued. R.S.O. 1970, c. 332, s. 39 (2); 1974, c. 19, s. 2 (b).

Offence

(3) Every person who contravenes subsection 1 or any of the terms and conditions of a permit issued by a Director is guilty of an offence and on summary conviction is liable to a fine of not more than \$50. R.S.O. 1970, c. 332, s. 39 (3); 1974, c. 19, s. 2 (b).

WATER WELL DRILLERS

Licences

40.—(1) No person shall carry on the business of boring or drilling wells for water unless he is the holder of a licence therefor from a Director. R.S.O. 1970, c. 332, s. 40 (1); 1974, c. 19, s. 2 (b).

(2) Upon application therefor in the prescribed form and upon payment of the prescribed fee, a Director may issue licences or renew, as the case may be, a licence to any person to carry on the business of boring or drilling wells for water. R.S.O. 1970, c. 332, s. 40 (2); 1974, c. 19, s. 2 (b).

(3) Every such licence and renewal thereof expires on Expiry the 31st day of December following the date of issue or renewal. R.S.O. 1970, c. 332, s. 40 (3).

(4) A Director may suspend or cancel a licence at any Suspension cancellation time. R.S.O. 1970, c. 332, s. 40 (4); 1974, c. 19, s. 2 (b).

(5) Every licensee shall, within one month after the Return completion of the boring or drilling of a well for water, make a return to a Director in the prescribed form. R.S.O. 1970, c. 332, s. 40 (5); 1974, c. 19, s. 2 (b).

(6) Every person who contravenes a provision of this Offence section is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100. R.S.O. 1970, c. 332, s. 40 (6).

WATER WORKS

41.—(1) When any municipality or any person contemplates the establishment of any water works, or the extension of or any change in any existing water works, the Director plans, specifications and an engineer's report of the water supply and the works to be undertaken, together with such other information as a Director may require, shall be submitted to the Director, and no such works shall be undertaken or proceeded with and no by-law for raising money to finance such works shall be passed until the source of water supply and the proposed works have been approved by the Director. R.S.O. 1970, c. 332, s. 41 (1); 1974, c. 19, s. 2 (a).

(2) Every municipality that or person who contravenes Offence any provision of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000. R.S.O. 1970, c. 332, s. 41 (2).

(3) Where any person undertakes or proceeds with the Powers of establishment of any water works, or the extension of or change in any existing water works, without having first obtained the approval of a Director, a Director may order the person or his successor or assignee to afford at his own expense such facilities as the Director considers necessary for the investigation of the works and the

source of water supply and may direct such changes to be made in the source of water supply and in the works as the Director considers necessary, and any changes directed by the Director to be made in the works shall be carried out by the person or his successor or assignee at his own expense. 1974, c. 19, s. 16.

Director may refuse or qualify approval

(4) Where in the opinion of a Director it is in the public interest to do so, the Director may refuse to grant his approval or grant his approval on such terms and conditions as he considers necessary. R.S.O. 1970, c. 332, s. 41 (4); 1974, c. 19, s. 2 (a).

Offence

(5) Every person, except a municipality, who,

(a) fails to comply with any direction or order given or made by a Director under subsection 3; or

(b) contravenes any of the terms and conditions of the approval granted by a Director under subsection 4,

is guilty of an offence and on summary conviction is liable to a fine of \$500 for every day upon which such default or contravention continues. R.S.O. 1970, c. 332, s. 41 (5); 1974, c. 19, s. 2 (a).

Returns from water works

(6) The owner of water works shall whenever required by a Director make returns to the Director, of such matters as may be required by the Director, and any such owner who, for the space of thirty days after being so required, fails or neglects to make the returns required is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1970, c. 332, s. 41 (6); 1974, c. 19, s. 2 (a).

Water works to be kept in repair

(7) Water works shall at all times be maintained, kept in repair and operated in such manner and with such facilities as may be directed from time to time by a Director. R.S.O. 1970, c. 332, s. 41 (7); 1974, c. 19, s. 2 (a).

Offence

(8) Every person, except a municipality, who fails to comply with any direction given by a Director under subsection 7 is guilty of an offence and on summary conviction is liable to a fine of \$500 for every day upon which such default continues. R.S.O. 1970, c. 332, s. 41 (8); 1974, c. 19, s. 2 (a).

Application

(9) Subsections 1 and 3 do not apply,

(a) to a water works to be used only for supplying water, for agricultural, commercial or industrial purposes, that is not required under any Act or regulation to be fit for human consumption;

(b) to a water works not capable of supplying water at a rate greater than 10,000 gallons per day;

(c) to a privately-owned water works to be used to supply water only for five or fewer private residences; and

(d) to such water works as may be exempted therefrom by regulations made under this Act. R.S.O. 1970, c. 332, s. 41 (9).

#### SEWAGE WORKS

42.—(1) When any municipality or any person contemplates the establishment of any sewage works, or the extension of or any change in any existing sewage works, the plans, specifications and an engineer's report of the works to be undertaken, and the location of the discharge of effluent, together with such information as a Director may require, shall be submitted to the Director, and no such works shall be undertaken or proceeded with and no by-law for raising money to finance such works shall be passed until the proposed works have been approved by the Director. R.S.O. 1970, c. 332, s. 42 (1); 1974, c. 19, s. 2 (a).

(2) Every municipality that or person who contravenes Offence any provision of subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$2,000. R.S.O. 1970, c. 332, s. 42 (2).

(3) Where any person undertakes or proceeds with the establishment of any sewage works, or the extension of or any change in any existing sewage works, without having first obtained the approval of a Director, a Director may order the person or his successor or assignee to afford at his own expense such facilities as the Director considers necessary for the investigation of the works and the location of the discharge of effluent and may direct such changes to be made in the location of the discharge of effluent and in the works as the Director considers necessary, and any changes directed by the Director to be made in the works shall be carried out by the person or his successor or assignee at his own expense. 1974, c. 19, s. 17.

(4) Where in the opinion of a Director it is in the public interest to do so, the Director may refuse to grant his approval or grant his approval on such terms and conditions as he considers necessary. R.S.O. 1970, c. 332, s. 42 (4); 1974, c. 19, s. 2 (a).

(5) Every person, except a municipality, who,

- (a) fails to comply with any direction or order given or made by a Director under subsection 3; or
- (b) contravenes any of the terms and conditions of the approval granted by a Director under subsection 4,

is guilty of an offence and on summary conviction is liable to a fine of \$500 for every day upon which such default or contravention continues. R.S.O. 1970, c. 332, s. 42 (5); 1974, c. 19, s. 2 (a).

(6) This section does not apply.

(a) to a sewage works from which sewage is not to drain or be discharged directly or indirectly into a ditch, drain or storm sewer or a well, lake, river, pond, spring, stream, reservoir or other water or watercourse;

(b) to a privately-owned sewage works designed for the partial treatment of sewage that is to drain or be discharged into a sanitary sewer;

(c) to a privately-owned sewage works serving only five or fewer private residences;

(d) to a sewage works the main purpose of which is to drain agricultural lands;

(e) to a drainage works under *The Drainage Act, The Cemeteries Act, The Public Transportation and Highway Improvement Act or The Railways Act*;

(f) to such sewage works as may be exempted therefrom by regulations made under this Act,

but this section does apply to a sewage works for the distribution of sewage on the surface of the ground for the purpose of disposing of the sewage. R.S.O. 1970, c. 332, s. 42 (6); 1971, c. 61, s. 1.

**43.**—(1) Where any municipality contemplates establishing or extending its sewage works in or into another municipality or territory without municipal organization, a Director shall, before giving his approval under section 42, hold a public hearing and give at least ten days notice of the hearing to the clerk of the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities and to such other persons and in such manner as the Director may direct. R.S.O. 1970, c. 332, s. 43 (1); 1974, c. 19, s. 2 (a).

(2) REPEALED: 1972, c. 1, s. 70 (26).

(3) Where a Director has given his approval under section 42 to an establishment or extension under subsection 1, the municipality undertaking the establishment or extension may enter upon, take and use such lands in such other municipality or municipalities or territory without municipal organization as may be necessary, and for that purpose has the same powers within such municipality or municipalities or territory as it has within its own municipality, and paragraph 84 of subsection 1 of section 354 of *The Municipal Act* does not apply. R.S.O. 1970, c. 332, s. 43 (3); 1974, c. 19, s. 2 (a).

(4) A Director may amend or vary any approval given under section 42 to an establishment or extension under subsection 1, but before so acting the Director shall comply with the requirements of subsection 1 with respect to the holding of a public hearing and the giving of notice thereof. R.S.O. 1970, c. 332, s. 43 (4); 1974, c. 19, s. 2 (a).

(5) Where a Director has given his approval under section 42 to an establishment or extension under subsection 1, the municipality undertaking the establishment or extension, before proceeding therewith, may apply to the Board for an order,

- (a) stopping up and closing any highway, road or road allowance, temporarily or permanently, for the purpose of allowing the establishment or extension to be carried on and vesting it in the municipality undertaking the establishment or extension, and providing for the opening of another highway, road or road allowance in lieu of the highway, road or road allowance so stopped up and closed, and subsection 2 of section 86 of *The Registry Act* does not apply;

Director may refuse or qualify approval

Offence

Application

R.S.O. 1970, c. 136, s. 201

R.S.O. 1960, c. 131

R.S.O. 1970, c. 409



proposing to construct, were constructing or had constructed the works or were operating and maintaining the works.

(10) Subsections 1, 2 and 4 apply *mutatis mutandis* to Application 1, 2 and 4 a person who contemplates extending his sewage works to person from one municipality into another municipality or into territory without municipal organization. R.S.O. 1970, c. 332, s. 43 (6-10).

(11) Where a Director has given his approval under section 42 to an extension by a person of his sewage works from one municipality into another municipality or into territory without municipal organization the Board may, on application made by the person undertaking the extension, order the amendment of any by-law passed under paragraph 116 of subsection 1 of section 354 of *The Municipal Act* or any by-law passed under section 35 of *The Planning Act* or any official plan to permit the use of the land for the extension. R.S.O. 1970, c. 332, s. 43 (11); 1974, c. 19, s. 2 (a).

(12) The Board, as a condition of making an order Powers of Board under subsection 11, may impose such restrictions, limitations and conditions respecting the use of land for the extension of the sewage works, not inconsistent with the terms and conditions of the approval of a Director given under section 42, as to the Board may appear necessary or expedient. R.S.O. 1970, c. 332, s. 43 (12); 1974, c. 19, s. 2 (a).

4.4.—(1) Where, in any municipality, the municipality Establish- or a person contemplates establishing or extending a sewage extension treatment works within the municipality, a Director may, within a before giving his approval under section 42, hold a public hearing to extend works hearing, in which case the Director shall give at least ten days notice of the hearing to the clerk of the municipality and to such other persons and in such manner as the Director may direct. R.S.O. 1970, c. 332, s. 44 (1); 1974, c. 19, s. 2 (a).

(2) REPEALED: 1972, c. 1, s. 70 (27).

(3) A Director may amend or vary any approval given Director may vary under section 42 to an establishment or extension under approval subsection 1 and, before so acting, the Director may hold a public hearing, in which case he shall give notice thereof in accordance with subsection 1. R.S.O. 1970, c. 332, s. 44 (3); 1974, c. 19, s. 2 (a).

(b) ordering that any building restrictions, covenants running with the land or any limitations placed upon the estate or interest of any person in any lands upon or through which it is proposed that the establishment or extension may be constructed shall be terminated or shall be no longer operative or binding upon or against any person, and directing that any such order be registered under *The Registry Act*; and

(c) fixing the compensation for lands taken or injuriously affected in the construction, maintenance or operation of the establishment or extension,

and notice of the application shall be given to the clerk of the municipality in or into which the sewage works are being established or extended and to the clerks of such other municipalities and to such other persons and in such manner as the Board may direct. R.S.O. 1970, c. 332, s. 43 (5); 1974, c. 19, s. 2 (a).

(6) The registration of an order under clause b of subsection 5 is a bar to any action or proceeding taken by any person claiming any right or benefit under or by reason of any such restrictions, covenants, interests, estate or title in the lands described in the order.

(7) Where sewage works of a municipality are established or extended in or into another municipality, the municipality in or into which the sewage works are established or extended may make an agreement with the owner of the sewage works for the connecting with and the use of the sewage works.

(8) Where a municipality in or into which sewage works are established or extended is unable to make an agreement under subsection 7, the Board, upon an application authorized by by-law of its council, may confer the right to make "use of the sewage works upon the applicant municipality and the inhabitants thereof whose properties may be conveniently served by the sewage works, and prescribe the terms and conditions of such use.

(9) Where an agreement is made under subsection 7 or an order is made under subsection 8, the municipality in or into which the sewage works are established or extended may assess, levy and collect as taxes the amounts to be paid under the agreement or order in the same manner and to the same extent as if the municipality itself were

R.S.O. 1970, c. 409

Registration of order

Agreements as to use

Application by municipality

Municipality may collect as taxes the amounts assessed or ordered to be paid

(4) Where a Director has given his approval under section 42 to an establishment or extension by a person of sewage treatment works within a municipality the Board may, on application by the person undertaking the establishment or extension, order the amendment of any by-law passed under paragraph 116 of subsection 1 of section 354 of *The Municipal Act* or any by-law passed under section 35 of *The Planning Act* or any official plan to permit the use of land for the establishment or extension. R.S.O. 1970, c. 332, s. 44 (4); 1974, c. 19, s. 2 (a).

R.S.O. 1970,  
c. 284, 349

Powers of  
Board

(5) The Board, as a condition of making an order under subsection 4, may impose such restrictions, limitations and conditions respecting the use of land for the establishment or extension of the sewage treatment works not inconsistent with the terms and conditions of the approval of a Director given under section 42, as to the Board may appear necessary or expedient. R.S.O. 1970, c. 332, s. 44 (5); 1974, c. 19, s. 2 (a).

Application  
of s. 43,  
subs. 1, 12,  
and s. 44,  
subs. 4, 5,  
to municipal-  
ity

45. Subsections 11 and 12 of section 43 and subsections 4 and 5 of section 44 apply *mutatis mutandis* to a municipality that has obtained the approval of a Director to the establishment or extension of its sewage works or to the establishment or extension of sewage treatment works. R.S.O. 1970, c. 332, s. 45; 1974, c. 19, s. 2 (a).

Powers of  
Board

46. The Board may inquire into, hear and determine any application by or on behalf of any municipality or person complaining that any municipality constructing, maintaining or operating sewage works or having the control thereof,

(a) has failed to do any act, matter or thing required to be done by an Act or regulation, order or direction, or by any agreement entered into with the municipality; or

(b) has done or is doing any such act, matter or thing improperly,

and that the same is causing deterioration, loss, injury or damage to property, and the Board may make any order, award or finding in respect of any such complaint as it considers just. R.S.O. 1970, c. 332, s. 46.

Right to  
compensa-  
tion

47. Where land is expropriated by a municipality for sewage works or is injuriously affected by the construction, maintenance or operation of sewage works by a municipality, *The Expropriations Act* applies. R.S.O. 1970, c. 332, s. 47.

R.S.O. 1970,  
c. 184

48. Sewage works that are being or have been constructed, maintained or operated with the approval of the former Department of Health, the Commission, the Executive Director, Water Supply and Pollution Control of the Ministry or of a Director and in accordance with the terms and conditions imposed in any order, direction, report or regulation of the former Department of Health, the Commission, the Minister of Health, the Executive Director, Water Supply and Pollution Control of the Ministry, a Director or the Board under the authority of this Act or any predecessor of any provision of this Act, so long as the sewage works are being so constructed or are so constructed, maintained or operated, shall be deemed to be under construction, constructed, maintained or operated by statutory authority. 1974, c. 19, s. 18.

49. The owner of sewage works shall whenever required by a Director make returns to the Director of such matters as may be required by the Director, and any such owner who for the space of thirty days after being so required fails or neglects to make the returns required is guilty of an offence and on summary conviction is liable to a fine of not more than \$100. R.S.O. 1970, c. 332, s. 49; 1974, c. 19, s. 2 (a).

50.—(1) Sewage works shall at all times be maintained, kept in repair and operated in such manner and with such facilities as may be directed from time to time by a Director. R.S.O. 1970, c. 332, s. 50 (1); 1974, c. 19, s. 2 (a).

(2) Every person, except a municipality, who fails to offend comply with any direction given by a Director under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of \$500 for every day upon which such default continues. R.S.O. 1970, c. 332, s. 50 (2); 1974, c. 19, s. 2 (a).

51.—(1) Where a Director reports in writing to the clerk of a municipality that he is of the opinion that it is etc., works of a municipality in the public interest that water works or sewage works or any part thereof be established, maintained, operated, improved, extended, enlarged, altered, repaired or replaced, it is not necessary to obtain the assent of the electors to any by-law for incurring a debt for any such purpose and the municipality shall forthwith do every act and thing in its power to implement the report of the Director. R.S.O. 1970, c. 332, s. 51 (1); 1974, c. 19, s. 2 (a).

Construction or operation of sewage works by statutory authority

Sewage works to be kept in repair

Duty to maintain, works



## Offence

(2) Every municipality that fails to do every act and thing in its power to implement a report made to it under subsection 1 forthwith after receipt of the report is guilty of an offence and on summary conviction is liable to a fine of \$500 for every day upon which such default continues after receipt of the report. R.S.O. 1970, c. 332, s. 51 (2).

## Power of Director to implement report

(3) Where the municipality fails to do every act and thing in its power to implement a report made to it under subsection 1 forthwith after receipt of the report, and the time for taking an appeal has passed or there has been final disposition of an appeal by which the report is confirmed or altered, the Director, with the approval of the Board, may direct that whatever is necessary to implement the report or the report as confirmed or altered be done at the expense of the municipality, and the Minister may recover the expense incurred in doing it, with costs, by action in a court of competent jurisdiction, as a debt due to the Crown by such municipality. 1974, c. 19, s. 19.

## PROJECTS

## Application for water or sewage works

52.—(1) Any one or more municipalities may apply to the Minister for the provision of and operation by the Minister of water works or sewage works for the municipality or municipalities. R.S.O. 1970, c. 332, s. 52 (1); 1972, c. 1, s. 70 (2).

## Duty of Minister

(2) The Minister may thereupon furnish to such municipality or municipalities,

- (a) an estimate of the cost of the project and such other information as the Minister considers advisable;
- (b) a statement of the terms and conditions including the method of financing as determined by the Minister upon which the Minister will complete and operate the project; and
- (c) a form of agreement to be entered into between the municipality or municipalities and the Crown. R.S.O. 1970, c. 332, s. 52 (2); 1972, c. 1, s. 70 (2, 3); 1974, c. 19, s. 20.

## Power to make agreement

(3) The council of any municipality may by by-law authorize the municipality to enter into such an agreement with the Crown and, subject to the approval of the Lieutenant Governor in Council, the Crown may enter into any such agreement with any municipality or municipalities

and, when such an agreement has been entered into, the parties thereto have all such powers as may be necessary to carry out the provisions thereof or of any undertaking given pursuant thereto. R.S.O. 1970, c. 332, s. 52 (3); 1972, c. 1, s. 70 (3).

(4) Notwithstanding *The Municipal Act* or any other Act, it is not necessary for the council of any municipality to obtain the assent of the electors to the passing of any such by-law or the entering into of any such agreement with the Crown. R.S.O. 1970, c. 332, s. 52 (4); 1972, c. 1, s. 70 (3).

(5) Where a municipality that proposes to enter into an agreement with the Crown is required to obtain the approval of the Board with respect to any aspect of the proposed project, the application for such approval shall be made by the Minister on behalf of the municipality. R.S.O. 1970, c. 332, s. 52 (5); 1972, c. 1, s. 70 (2, 3).

(6) Notwithstanding any other Act, every such agreement remains in force for such period as it may prescribe and in any event until all obligations to the Crown of the municipality or municipalities party or parties to the agreement have been discharged to the satisfaction of the Minister. R.S.O. 1970, c. 332, s. 52 (6); 1972, c. 1, s. 70 (2, 3).

(7) Where a municipality has entered into an agreement with the Crown under this section, the agreement is binding on any commission or local board having the control and management of water works or sewage works, as the case may be, in the municipality. R.S.O. 1970, c. 332, s. 52 (7); 1972, c. 1, s. 70 (3).

(8) Any agreement under this section may be evidenced by one or more documents. R.S.O. 1970, c. 332, s. 52 (8).

53.—(1) Every municipality that has entered into an agreement with the Crown under section 52 before the 1st day of April, 1974 shall pay to the Treasurer the following sums or, where such agreement is with more than one municipality, or where the project requires more than one agreement at least one of which is with a municipality, its share as adjusted by the Minister, of the following sums:

1. In each calendar year during the currency of such agreement, commencing with the calendar year in which occurs the date of completion of such project,

- (a) the proportion payable by the municipality or municipalities party or parties to the

project, as adjusted by the Minister, of the total amount of interest and expenses of debt service that would be payable by the Commission in each such year if the Commission were not dissolved in respect of all borrowings of the Commission from time to time outstanding and made by the Commission at any time before or after the making of such agreement for the purpose of meeting.

- (i) the cost or estimated cost of all projects, except projects under agreements referred to in subsection 2, or
- (ii) the cost or estimated cost of all projects referred to in subsection 2,

at any time theretofore or thereafter acquired, provided or constructed or in course of acquisition, provision or construction by the Commission pursuant to any agreement or agreements, or for any other purpose of the Commission respecting such projects, including the refunding or repayment in whole or in part of any such borrowings;

- (b) the total cost to the Crown in each such year of the operation, supervision, maintenance, repair, administration and insurance of such project; and

- (c) the total amount in each such year placed by the Minister to the credit of the reserve account referred to in subsection 1 of section 57 in respect of such project or an amount equal to 1½ per cent of the cost of such project, whichever is less, and such additional amount as may be approved by the municipality or municipalities.

- 2. In each calendar year for such period of years as may be prescribed by such agreement, commencing not later than the fifth calendar year next following the date of completion of such project, such sum as would be necessary with interest compounded annually thereon at such rate as is prescribed by regulation to form at the

expiry of such period of years a fund equal to the cost of such project. 1972, c. 1, s. 70 (3); 1974, c. 19, s. 21 (1).

- (2) In respect of agreements under section 52 entered into after the 31st day of December, 1965 and before the 1st day of April, 1974, the interest and expenses of debt service that would be payable by the Commission referred to in clause a of paragraph 1 of subsection 1 shall, in each year during the currency of the agreement, be the amount calculated by applying the average rate of such interest and expenses as would have been payable to the Treasurer in respect of the project.

- (3) The Minister shall annually adjust and apportion among the respective municipalities the sums payable to the Treasurer by such municipalities under subsection 1. 1974, c. 19, s. 21 (2).

- (4) In the event of any dispute arising as to the adjustment or apportionment of any sums payable to the Treasurer by the respective municipalities under subsection 1, such dispute shall be referred to a sole arbitrator to be appointed by the Lieutenant Governor in Council, and the award of the arbitrator is final and binding on the Crown and the Treasurer and the municipality or municipalities concerned. R.S.O. 1970, c. 332, s. 53 (4); 1972, c. 1, s. 70 (2, 33); 1974, c. 19, s. 2 (e).

- (5) Such arbitrator shall be paid for his services such amount as may be directed by the Lieutenant Governor in Council and the whole costs of such arbitration shall be paid as directed by the arbitrator in his award.

- (6) Except as otherwise provided in this section, *The R.S.O. 1970, c. 286, s. 286* applies to any arbitration under to apply subsection 4. R.S.O. 1970, c. 332, s. 53 (5, 6).

54.—(1) The council of a municipality that has entered into or proposes to enter into an agreement with the Crown under section 52 may by by-law, subject to the approval of the Board, provide for imposing upon owners or occupants of land who derive or will or may derive a benefit from the project a sewer rate or water works rate, as the case may be, sufficient to pay the whole or such portion as the by-law may specify of the annual payments to the Treasurer required to be made.

- (a) where the agreement is or has been entered into before the 1st day of April, 1974, under clause *a* of paragraph 1 and paragraph 2 of subsection 1 of section 53; or
- (b) where the agreement is entered into on or after the 1st day of April, 1974, under the agreement for the cost of the project,

and, with the like approval, such by-law may from time to time be amended or repealed. 1974, c. 19, s. 22, *part*.

(2) Where a by-law under subsection 1 imposes a sewer rate or water works rate upon owners or occupants of land, the council of the municipality may provide for commutation for a payment in cash of the whole or any part of the rate imposed and may prescribe the terms and conditions thereof. R.S.O. 1970, c. 332, s. 54 (2).

(3) The council of a municipality that has entered into or proposes to enter into an agreement with the Crown under section 52 may by by-law provide for imposing upon owners or occupants of land from which sewage is received, treated or disposed of or to which water is supplied through or by the project a sewage service rate or water service rate, as the case may be, sufficient to pay the whole or such portion as the by-law may specify of the annual payments to the Treasurer required to be made,

(a) where the agreement is or has been entered into before the 1st day of April, 1974, under clauses *b* and *c* of paragraph 1 of subsection 1 of section 53; or

(b) where the agreement is entered into on or after the 1st day of April, 1974, under the agreement for,

- (i) the total cost to the Crown in each year of the operation, supervision, maintenance, repair, administration and insurance of the project, and
- (ii) the total amount in each year placed by the Minister to the credit of any reserve account established under the agreement for the project. 1974, c. 19, s. 22, *part*.

(4) Subject to this section, section 362 of *The Municipal Act* applies *mutatis mutandis* to sewer rates and sewage service rates imposed under this section.

Application of  
R.S.O. 1970,  
c. 284, s. 362

(5) Every water works rate or water service rate imposed under this section shall, in so far as is practicable and subject to this section, be imposed in the same manner and with and subject to the same provisions as apply to a water works rate or sewage service rate, respectively, under section 362 of *The Municipal Act*, and that section applies *mutatis mutandis* to the imposition of such rates. R.S.O. 1970, c. 332, s. 54 (4, 5).

55. Where an agreement is made with a municipality for the provision of sewers under subsection 1*a* of section 17 or under section 52, the municipality may charge the owner of the premises for which a service drain is constructed the cost of construction of the service drain from the sewer to the line of the highway, together with interest thereon at a rate to be determined by the municipality, over such period of years as the municipality determines. R.S.O. 1970, c. 332, s. 55; 1972, c. 1, s. 70 (34).

56.—(1) As soon as practicable in each calendar year, and in any event not later than the 15th day of February, the Minister shall estimate the respective amounts payable to the Treasurer in such calendar year by each of the municipalities having agreements with the Crown under section 52 entered into before the 1st day of April, 1974 and shall by his precept directed to each municipality require such municipality to pay to the Treasurer on the dates specified in the agreement the sums so payable by each municipality and the municipality shall make payment to the Treasurer accordingly, but in the calendar year in which occurs the date of completion of the project the estimate by the Minister may be made and the precept of the Minister may be delivered at any time in such year as the Minister may determine and the payment or payments by the municipality shall be made at such time or times as the Minister may require.

(2) At the end of each calendar year, the actual sumsAdjustment payable by each municipality to the Treasurer for such year for the purposes aforesaid shall be ascertained by the Minister and the Minister shall inform the municipality of the amount owing to or by it and such amount shall be deducted from or added to the first payment to be made by the municipality in the next calendar year. 1974, c. 19, s. 23 (1).

(3) The mailing by the Minister of the precepts by Delivery registered mail in envelopes addressed to the clerks of the respective municipalities constitutes delivery of the precepts to them. R.S.O. 1970, c. 332, s. 56 (3); 1972, c. 1, s. 70 (2).

Cost of construction of service drains

When payments to be made

Adjustment

Delivery



Prepayment

(4) A municipality may pay and the Treasurer may accept,

(a) in advance of the time that it would otherwise be payable, any sum in respect of any sum mentioned in section 53; and

(b) any sum to reduce the cost of a project. R.S.O. 1970, c. 332, s. 56 (4); 1974, c. 19, s. 2 (c).

Municipalities may raise moneys for agreements

(5) For the purpose of meeting the periodic payments to the Treasurer under an agreement entered into under section 52, a municipality may raise money by any method or methods authorized by law or by any combination thereof as if the municipality itself were proposing to construct, were constructing or had constructed the works or were operating and maintaining the works. R.S.O. 1970, c. 332, s. 56 (5); 1974, c. 19, s. 23 (2).

Reserve accounts

57.—(1) The Minister may establish and maintain a reserve account in respect of each project under section 52,

(a) to provide for renewals and replacements in respect of the project;

(b) to provide for contingencies in respect of such project; and

(c) to provide for capital expenditures for the improvement of the project in relation to its operation and appearance,

and for such purposes may place to the credit of or charge to such reserve accounts such amounts as may in the opinion of the Minister be sufficient therefor.

When moneys may be expended in respect of a project

(2) Notwithstanding subsection 1, where a reserve account has been established in respect of a project, the Minister may, in respect of any other project for the same municipality, charge to such reserve account such amounts as in the opinion of the Minister may be sufficient therefor for any of the purposes mentioned in clauses a, b and c of subsection 1. 1974, c. 19, s. 24 (1).

(3, 4) REPEALED: 1974, c. 19, s. 24 (2).

Ministry of the Environment Reserve Fund

57a.—(1) All amounts heretofore placed and remaining or hereafter placed to the credit of all reserve accounts under any agreements under this Act shall be deposited with the Treasurer to the credit of a special consolidated account in the Consolidated Revenue Fund to be called

"Ministry of the Environment Reserve Account" and the interest applicable in each year to the consolidated account as determined by the Treasurer shall be allocated and credited by the Minister at the end of each year to each reserve account proportionately having regard to the respective balances from time to time remaining to the credit of the respective reserve accounts.

(2) The accounts of the Minister with respect to the reserve accounts referred to in subsection 1 shall be kept so as to exhibit at all times the amounts placed to the credit of each reserve account, the interest credited thereon and the payments made in respect thereof. 1974, c. 19, s. 25.

58.—(1) All amounts heretofore placed and remaining or hereafter placed to the credit of all municipalities with respect to all moneys received from the municipalities with respect to paragraph 2 of subsection 1 of section 53 shall be deposited with the Treasurer to the credit of a special consolidated account in the Consolidated Revenue Fund to be called "Ministry of the Environment Debt Retirement Account" and that part of the amounts so credited as is attributable to each project shall remain as a credit in the

Ministry of the Environment Debt Retirement Account until the expiration of the period of years during which payments are required to be made in respect of such project under paragraph 2 of subsection 1 of section 53.

(2) The interest applicable in each year to the consolidated account as determined by the Treasurer shall be allocated and credited by the Minister at the end of each year to the respective projects proportionately having regard to the respective balances in the consolidated account from time to time attributable to such projects and the accounts of the Minister with respect to such projects shall be kept so as to exhibit at all times the amounts placed to the credit of each project; the interest credited thereon and the payments made in respect thereof.

(3) If at any time the amount in the consolidated account attributable to any project is, in the opinion of the Minister, sufficient with the further estimated interest thereon to form at the expiration of the period of years referred to in paragraph 2 of subsection 1 of section 53 an amount equal to the cost of the project, the Minister, subject to subsection 4 of this section and with the consent of the Treasurer, may authorize the municipality or municipalities with whom the Crown has an agreement in respect of such project to discontinue any further payments under paragraph 2 of subsection 1 of section 53.

Discontinuation of further payments

Excess or deficiency

(4) If at the expiration of such period of years the amount in the consolidated account attributable to any project,

(a) is in excess of the cost of the project, the Treasurer shall within one year thereafter repay to such municipality or municipalities the amount of such excess; or

(b) is less than the cost of the project, the municipality or municipalities shall, within one year thereafter, pay to the Treasurer the amount of such deficiency.

Discharge of indebtedness to Province

(5) Notwithstanding any other provision of this Act, the Treasurer may at any time, upon the request of the Minister, pay to the Province out of the Ministry of the Environment Debt Retirement Account any sum attributable to any project in payment or part payment of the amount owing to the Crown for the cost of the project. 1974, c. 19, s. 26.

Ontario Water Resources Reserve  
Reserve  
Retirement  
Accounts

59. All moneys in the Ontario Water Resources Reserve Account and the Ontario Water Resources Debt Retirement Account immediately before this section comes into force and all investments derived from moneys at any time in those accounts vest in the Crown and the Crown is bound by the liabilities in respect of such moneys and investments. 1974, c. 19, s. 27.

Annual rate to municipalities in lieu of taxes  
R.S.O. 1970, c. 32

60. For the purposes of section 35 of *The Assessment Act*, the Crown, with respect to any project in a city, town, village or township, shall be deemed a commission under clause a of subsection 1 of that section and the project shall be deemed a public utility under clause b of subsection 1 of that section. R.S.O. 1970, c. 332, s. 60; 1972, c. 1, s. 70 (3).

#### PUBLIC WATER OR SEWAGE SERVICE AREA

Interpretation

61.—(1) In this section,

(a) "sewage service" means the acceptance, collection, transmission, storage, treatment and disposal of sewage, or any one or more of them;

(b) "water service" means the taking, collection, production, treatment, storage, supply, transmission, distribution, sale, purchase and use of water, or any one or more of them. R.S.O. 1970, c. 332, s. 61 (1).

(2) Notwithstanding any general or special Act or any regulation or order made thereunder, where, in the opinion of a Director, it is in the public interest to do so, the Director may make an order defining and designating an area as an area of public water service or an area of public sewage service, and, by order from time to time, for the purpose of controlling, regulating, prohibiting, requiring or providing water service or sewage service in the area, may,

(a) impose such terms and conditions in the area as the Director considers necessary;

(b) require that any contract with respect to water service or sewage service in the area be terminated or amended in accordance with the order; and

(c) fix and impose rates or charges upon any municipality or person in the area for the provision by the Minister of water service or sewage service to the municipality or person. R.S.O. 1970, c. 332, s. 61 (2); 1972, c. 1, s. 70 (2, 40); 1974, c. 19, s. 2 (c).

(3) Where an order is made by a Director requiring that any contract be terminated or amended, such contract shall be deemed to be terminated and no longer operative or binding upon or against any municipality or person or shall be deemed to be amended, as the case may be, in accordance with the order. R.S.O. 1970, c. 332, s. 61 (3); 1974, c. 19, s. 2 (c).

(4) A Director shall, before making an order under subsection 2, hold a public hearing and give at least twenty-one days notice of the hearing to the clerk of such municipality or municipalities and to such person or persons and in such manner as the Director may direct. R.S.O. 1970, c. 332, s. 61 (4); 1974, c. 19, s. 2 (c).

(5) A Director may amend the terms and conditions in any order, and may amend the definition or designation of an area in any order, but, before amending the definition or designation of an area, the Director shall comply with the requirements of subsection 4 with respect to the holding of a hearing and the giving of notice thereof. R.S.O. 1970, c. 332, s. 61 (5); 1972, c. 1, s. 70 (41); 1974, c. 19, s. 2 (c).

(6) REPEALED: 1972, c. 1, s. 70 (42).

Area of public water or sewage service

Termination or amendment of contracts

Amending order



(7) A copy of an order of a Director made under this section shall be sent by the Director by registered mail to the clerk of every municipality and to every person named in the order, and to such other persons as the Director may direct. R.S.O. 1970, c. 332, s. 61 (7); 1972, c. 1, s. 70 (43); 1974, c. 19, s. 2 (c).

(8) Upon the petition of,

Petition re definition of area

(a) any municipality affected by an order under this section;

(b) any person who is a party to a contract terminated or amended by an order under this section; or

(c) any owner or occupant of land in an area of public water service or an area of public sewage service who is affected by an order under this section in a different manner and to a different extent than all other owners or occupants of land in the area,

filed with the Clerk of the Executive Council within twenty-eight days after the mailing of copies of the order under subsection 7, the Lieutenant Governor in Council may confirm, vary or rescind the definition or designation of the area in the order, and such confirmation, variation or rescission is binding upon a Director and such municipality, person, owner or occupant. R.S.O. 1970, c. 332, s. 61 (8); 1974, c. 19, s. 2 (c).

Compensation

(9) Where a contract is terminated or amended by an order under this section, the Crown shall make due compensation to any municipality or person named in the contract as a party thereto for any damage necessarily resulting from the termination or amendment of the contract, as the case may be, beyond any advantage that it or he may derive from water service or sewage service provided under the order. R.S.O. 1970, c. 332, s. 61 (9); 1972, c. 1, s. 70 (3).

Determination of compensation

(10) Subject to this section, a claim for compensation, if not agreed upon by a Director and the municipality or person making the claim, shall be determined by the Board and not otherwise, and *The Ontario Municipal Board Act*, except section 94, applies as far as is practicable to every such claim. R.S.O. 1970, c. 332, s. 61 (10); 1974, c. 19, s. 2 (c).

R.S.O. 1970, c. 323

(11) For the purpose of meeting periodic payments to the Treasurer under an order made under this section, a municipality may raise money by any method or methods authorized by law or by any combination thereof as if the municipality itself were proposing to construct, were constructing or had constructed water works or sewage works or were operating and maintaining water works or sewage works. R.S.O. 1970, c. 332, s. 61 (11); 1974, c. 19, s. 2 (e).

(12) For the purpose of meeting periodic payments to the Treasurer under an order made under this section, a municipality may, with the approval of the Board, by by-law define an area that in the opinion of the council of the municipality will derive a benefit from the water service or sewage service provided under the order and may impose a rate or charge upon the owners or occupants of all land in such defined area. R.S.O. 1970, c. 332, s. 61 (12); 1974, c. 19, s. 2 (e).

(13) Every municipality or person who contravenes any order made under this section is guilty of an offence and on summary conviction is liable to a fine of \$500 for every day upon which such contravention continues. R.S.O. 1970, c. 332, s. 61 (13).

(14) Upon the petition of any municipality or person required to pay a rate or charge imposed by an order under this section, filed with the Clerk of the Executive Council within twenty-eight days after the mailing of copies of the order under subsection 7, the Lieutenant Governor in Council may confirm, vary or rescind such rate or charge or may refer the petition to the Board or to such person or persons as the Lieutenant Governor in Council may designate, and the Board or such person or persons may confirm, vary or rescind such rate or charge, and any order made by the Lieutenant Governor in Council or the Board or such person or persons with respect thereto is binding upon the Treasurer and a Director and the municipality and person required to pay such rate or charge. R.S.O. 1970, c. 332, s. 61 (14); 1972, c. 1, s. 70 (44); 1974, c. 19, s. 2 (c, e).

# REGULATIONS

**62.**—(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations,

(a) regulating and controlling the location, construction, repair, removal or alteration of mains, service

- (b) regulating and controlling the manner in which the service pipes of users of water shall be connected with the mains of the water works supplying the water;
- (c) regulating and controlling the location, construction, repair, removal or alteration of sewers, drain pipes, manholes, gully traps and all other works in or upon public property that form part of or are connected with sewage works;
- (d) regulating and controlling the manner in which building sewers shall be connected with sewage works;
- (e) prescribing the rate of interest for the purpose of paragraph 2 of subsection 1 of section 53;
- (f) regulating and controlling the location, construction, repair, renewal or alteration of plumbing and the material to be used in the construction thereof, and requiring municipalities to carry out such inspections with respect to plumbing as may be prescribed;
- (g) adopting by reference, in whole or in part, with such changes as the Minister of Consumer and Commercial Relations considers necessary, the standards made or adopted by the Canadian Standards Association respecting pipes, fittings, fixtures and materials used in plumbing, and providing for the testing and marking of such pipes, fittings, fixtures and materials or any class or classes thereof by the Canadian Standards Association and prohibiting the use in plumbing of such pipes, fittings, fixtures and materials that are not marked as approved by the Canadian Standards Association;
- (h) defining plumbing for the purposes of the regulations;
- (i) regulating and controlling the content of sewage entering sewage works;
- (j) classifying persons who operate water works, and sewage works and requiring and providing for the licensing of water work and sewage work

- operators or any class or classes thereof, and prescribing the qualifications of persons to whom licences may be issued, and prescribing and charging fees for such licences, and providing for the revocation and suspension of licences;
- (k) prescribing standards of quality for potable and other water supplies, sewage and industrial waste effluents, receiving streams and water courses;
- (l) specifying any matter or substance as sewage for the purposes of any section or sections of this Act or of any regulation made thereunder;
- (m) prescribing operating standards for water works or sewage works;
- (n) requiring and regulating the storage, treatment and disposal of sewage in boats and ships or any class or classes thereof and the equipment thereof, and prohibiting the use and installation of equipment for the storage, treatment or disposal of sewage in boats and ships or any class or classes thereof unless the equipment and installation thereof conform to the regulations, and providing for any requiring the approval of a Director for any such equipment, and prohibiting and regulating the discharge of sewage from such boats and ships or any class or classes thereof;
- (o) regulating and controlling, for the purpose of preventing or reducing the pollution of any body of water or watercourse, places or any class or classes thereof located on or adjacent to any body of water or watercourse where moorings are provided for boats or ships or where any services are provided for boats or ships or the occupants thereof, and regulating and governing persons providing such moorings or services, or any class or classes thereof;
- (p) defining sewage for the purposes of regulations made under clauses n and o;
- (q) designating areas within which wells or holes may not be made for the purpose of obtaining water, except by digging, without a permit issued by a Director;
- (r) regulating and controlling the location, spacing, boring and drilling of water wells, the construction

Copies of  
order

(7) A copy of an order of a Director made under this section shall be sent by the Director by registered mail to the clerk of every municipality and to every person named in the order, and to such other persons as the Director may direct. R.S.O. 1970, c. 332, s. 61 (7); 1972, c. 1, s. 70 (43); 1974, c. 19, s. 2 (c).

Petition  
re definition  
of area

(8) Upon the petition of,

- (a) any municipality affected by an order under this section;
- (b) any person who is a party to a contract terminated or amended by an order under this section; or
- (c) any owner or occupant of land in an area of public water service or an area of public sewage service who is affected by an order under this section in a different manner and to a different extent than all other owners or occupants of land in the area,

filed with the Clerk of the Executive Council within twenty-eight days after the mailing of copies of the order under subsection 7, the Lieutenant Governor in Council may confirm, vary or rescind the definition or designation of the area in the order, and such confirmation, variation or rescission is binding upon a Director and such municipality, person, owner or occupant. R.S.O. 1970, c. 332, s. 61 (8); 1974, c. 19, s. 2 (c).

Compensation

(9) Where a contract is terminated or amended by an order under this section, the Crown shall make due compensation to any municipality or person named in the contract as a party thereto for any damage necessarily resulting from the termination or amendment of the contract, as the case may be, beyond any advantage that it or he may derive from water service or sewage service provided under the order. R.S.O. 1970, c. 332, s. 61 (9); 1972, c. 1, s. 70 (3).

Determination  
of compensation

(10) Subject to this section, a claim for compensation, if not agreed upon by a Director and the municipality or person making the claim, shall be determined by the Board and not otherwise, and *The Ontario Municipal Board Act*, except section 94, applies as far as is practicable to every such claim. R.S.O. 1970, c. 332, s. 61 (10); 1974, c. 19, s. 2 (c).

(11) For the purpose of meeting periodic payments to the Treasurer under an order made under this section, a municipality may raise money by any method or methods authorized by law or by any combination thereof as if the municipality itself were proposing to construct, were constructing or had constructed water works or sewage works or were operating and maintaining water works or sewage works. R.S.O. 1970, c. 332, s. 61 (11); 1974, c. 19, s. 2 (e).

(12) For the purpose of meeting periodic payments to the Treasurer under an order made under this section, a municipality may, with the approval of the Board, by by-law define an area that in the opinion of the council of the municipality will derive a benefit from the water service or sewage service provided under the order and may impose a rate or charge upon the owners or occupants of all land in such defined area. R.S.O. 1970, c. 332, s. 61 (12); 1974, c. 19, s. 2 (e).

(13) Every municipality or person who contravenes any order made under this section is guilty of an offence and on summary conviction is liable to a fine of \$500 for every day upon which such contravention continues. R.S.O. 1970, c. 332, s. 61 (13).

(14) Upon the petition of any municipality or person required to pay a rate or charge imposed by an order under this section, filed with the Clerk of the Executive Council within twenty-eight days after the mailing of copies of the order under subsection 7, the Lieutenant Governor in Council may confirm, vary or rescind such rate or charge or may refer the petition to the Board or to such person or persons as the Lieutenant Governor in Council may designate, and the Board or such person or persons may confirm, vary or rescind such rate or charge, and any order made by the Lieutenant Governor in Council or the Board or such person or persons with respect thereto is binding upon the Treasurer and a Director and the municipality and person required to pay such rate or charge. R.S.O. 1970, c. 332, s. 61 (14); 1972, c. 1, s. 70 (44); 1974, c. 19, s. 2 (c, e).

#### REGULATIONS

**62.—**(1) Subject to the approval of the Lieutenant Governor in Council, the Minister may make regulations,

- (a) regulating and controlling the location, construction, repair, removal or alteration of mains, service



- (b) regulating and controlling the manner in which the service pipes of users of water shall be connected with the mains of the water works supplying the water;
- (c) regulating and controlling the location, construction, repair, removal or alteration of sewers, drain pipes, manholes, gully traps and all other works in or upon public property that form part of or are connected with sewage works;
- (d) regulating and controlling the manner in which building sewers shall be connected with sewage works;
- (e) prescribing the rate of interest for the purpose of paragraph 2 of subsection 1 of section 53;
- (f) regulating and controlling the location, construction, repair, renewal or alteration of plumbing and the material to be used in the construction thereof, and requiring municipalities to carry out such inspections with respect to plumbing as may be prescribed;
- (g) adopting by reference, in whole or in part, with such changes as the Minister of Consumer and Commercial Relations considers necessary, the standards made or adopted by the Canadian Standards Association respecting pipes, fittings, fixtures and materials used in plumbing, and providing for the testing and marking of such pipes, fittings, fixtures and materials or any class or classes thereof by the Canadian Standards Association and prohibiting the use in plumbing of such pipes, fittings, fixtures and materials that are not marked as approved by the Canadian Standards Association;
- (h) defining plumbing for the purposes of the regulations;
- (i) regulating and controlling the content of sewage entering sewage works;
- (j) classifying persons who operate water works, and sewage works and requiring and providing for the licensing of water work and sewage work

- operators or any class or classes thereof, and prescribing the qualifications of persons to whom licences may be issued, and prescribing and charging fees for such licences, and providing for the revocation and suspension of licences;
- (k) prescribing standards of quality for potable and other water supplies, sewage and industrial waste effluents, receiving streams and water courses;
- (l) specifying any matter or substance as sewage for the purposes of any section or sections of this Act or of any regulation made thereunder;
- (m) prescribing operating standards for water works or sewage works;
- (n) requiring and regulating the storage, treatment and disposal of sewage in boats and ships or any class or classes thereof and the equipment thereof, and prohibiting the use and installation of equipment for the storage, treatment or disposal of sewage in boats and ships or any class or classes thereof unless the equipment and installation thereof conform to the regulations, and providing for any requiring the approval of a Director for any such equipment, and prohibiting and regulating the discharge of sewage from such boats and ships or any class or classes thereof;
- (o) regulating and controlling, for the purpose of preventing or reducing the pollution of any body of water or watercourse, places or any class or classes thereof located on or adjacent to any body of water or watercourse where moorings are provided for boats or ships or where any services are provided for boats or ships or the occupants thereof, and regulating and governing persons providing such moorings or services, or any class or classes thereof;
- (p) defining sewage for the purposes of regulations made under clauses n and o;
- (q) designating areas within which wells or holes may not be made for the purpose of obtaining water, except by digging, without a permit issued by a Director;
- (r) regulating and controlling the location, spacing, boring and drilling of water wells, the construction

and materials used in the construction, alteration or repair of water wells, the pumps and other equipment used in connection with water wells, the use of water wells, the abandonment of water wells, the cleansing and disinfecting of water wells, prescribing the records and the form of the records with respect to water wells that shall be kept by the owners thereof and defining "owner" for the purpose of this clause;

(s) requiring and providing for the licensing of persons who operate equipment for the boring or drilling of wells for water and prescribing the qualifications of persons to whom licences may be issued, and prescribing and charging fees for such licences, and providing for the revocation and suspension of licences:

(1) prescribing the forms required for the purposes of section 40 and the fees for licences authorized thereby and for the renewal of such licences, and prescribing the terms and conditions upon which such licences may be issued;

(v) regulating and controlling the use of water from any source of supply;

(w) exempting any sewage works or any class or type thereof from section 42 and any water works or any class or type thereof from subsections 1 and 3 of section 41;

(x) providing for a grievance board and prescribing its jurisdiction, powers and duties, including any powers of a commission under Part II of *The Public Inquiries Act, 1971* designating the classes of its employees that may grieve, and prescribing the procedures to be followed for hearing and dealing with grievances;

(y) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act. R.S.O. 1970, c. 332, s. 62 (1); 1971, c. 49, s. 18; 1972, c. 1, s. 70 (2, 5); 1973, c. 90, s. 4; 1974, c. 19, s. 2 (*a, b*); 1974, c. 19, s. 28; O. Reg. 54/76.

(2) The application of any regulation made under this section may be general or may be limited territorially or as to time or otherwise.

Application  
of  
regulations

(3) Every municipality or person who contravenes any offence regulation made under this section is guilty of an offence and on summary conviction is liable to a fine of not less than \$25 and not more than \$1,000. R.S.O. 1970, c. 332, s. 62 (2, 3).

**63.**—(1) Where a local municipality undertakes to carry out inspections with respect to plumbing as prescribed by regulations made under section 62, the local municipality and the local board of health of the municipality or, where a health local board of a health unit has jurisdiction in the municipality, the local board of the health unit may enter into agreements providing that the local board shall carry out such inspections upon such terms and conditions as may be agreed upon.

(2) Where a county council by a two-thirds vote provides by county, unit or by county, unit and such inspections shall be carried out by the county, unit or by county, unit and such inspections shall be carried out in the municipalities that form part of the county for municipal purposes only by the county, provided that, where there is a health unit in the county, the county and the local board of the health unit may enter into agreements providing that the board shall carry out such inspections upon such terms and conditions as may be agreed upon.

(3) Where a county and a local board of a health unit have entered into an agreement under subsection 2 and the local board does not have jurisdiction in all of the municipalities that form part of the county for municipal purposes, the county shall carry out such inspections in the municipalities that do not form part of the health unit. R.S.O. 1970, c. 332, s. 63; O. Reg. 54/76.

**64.**—(1) Where a local municipality, a county or a local board of health or the local board of a health unit undertakes under section 63 or the regulations made under section 62 or under an agreement to inspect plumbing, the municipality or local board, as the case may be, may pass by-laws, Plumbing  
inspection  
by-laws

(a) providing for such inspections and for appointing one or more inspectors for such purpose;

(b) for charging fees for such inspections and fixing the amounts thereof;

(c) for requiring the production of plans of plumbing that is to be constructed, repaired, renewed or altered and of the location of drains, pipes, traps



(4) If the owner of the land and premises does not comply with the notice, the municipality or local board that sent the notice may, at the expense of the owner, make the plumbing conform to the regulations, and for that purpose its servants and agents may from time to time enter upon the land and premises.

(5) The municipality or local board that caused the work to be done to make the plumbing conform has a lien for the amount expended by it or on its behalf together with interest at the rate of 6 per cent per annum upon the land and premises in which the plumbing is located, and the municipality or local board may direct that such amount with interest be added to the collector's roll of the local municipality in which the land and premises are situated and collected in like manner as municipal real property taxes and paid over to the municipality or local board, as the case may be. R.S.O. 1970, c. 332, s. 65; O. Reg. 54/76.

**66.** Notwithstanding any general or special Act, no provision of a by-law of a municipality, heretofore or hereafter passed, with respect to any matter that may be dealt with by regulation under clauses *f*, *g* and *h* of subsection 1 of section 62 has any force or effect. R.S.O. 1970, c. 332, s. 66; O. Reg. 54/76.

#### MISCELLANEOUS

**67.** An information in respect of any contravention of this Act may be for one or more offences and no information, summons, warrant, conviction or other proceeding in any such prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences. R.S.O. 1970, c. 332, s. 67.

**68.** In any prosecution under this Act or the regulations or in any proceeding in the Supreme Court under this Act, the production of a certificate or report of an analyst of the Ministry as to the analysis, ingredients or quality of any water or of any material, whether liquid, gaseous or solid or of any combination thereof, is *prima facie* evidence of the facts stated therein and of the authority of the person making the certificate or report without any proof of appointment or signature. R.S.O. 1970, c. 332, s. 68; 1972, c. 1, s. 70 (46).

**69.**—(1) If an industrial or commercial enterprise makes arrangements for the collection, transmission, treatment or disposal of sewage that are considered unsatisfactory by a

and other works or appliances that are or are to be part of or connected with the plumbing, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees; and for the issuing of a permit certifying to such approval and requiring that without such permit no such plumbing may be constructed, repaired, renewed or altered;

(4) for prohibiting the use of such plumbing until it has been inspected and found to conform to the regulations made under clause *f* of subsection 1 of section 62.

(2) Subject to section 72, Part XXI of *The Municipal Act* applies *mutatis mutandis* to by-laws passed under this section.

(3) An inspector may at all reasonable hours enter any premises to inspect plumbing to which the regulations made under section 62 are applicable, and every person who prevents or obstructs or attempts to prevent or obstruct any such entry or inspection is guilty of an offence and on summary conviction is liable to a fine of not more than \$25. R.S.O. 1970, c. 332, s. 64; O. Reg. 54/76.

**65.**—(1) In this section, "owner" includes the person for the time being managing or receiving the rent of or paying the municipal taxes on the land or premises in connection with which the word is used whether on his own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let.

(2) Where a person has been convicted of constructing, repairing, renewing or altering plumbing in a manner that does not conform to the regulations made under section 62 and the time for appealing such conviction has elapsed and no appeal from such conviction is pending, the municipality or local board responsible for inspecting such plumbing may, by notice sent by registered mail to the owner of the land and premises in which the plumbing is located, require him to make the plumbing conform to such regulations within such period as may be stated in the notice.

(3) The notice shall specify wherein the plumbing does not conform to the regulations and that, if it is not made to conform within the period stated in the notice, the work may be done by the municipality or local board in accordance with subsection 4.

Penalties  
R.S.O. 1970,  
c. 284

Inspector  
may enter  
premises

Interpre-  
tation

Owner may  
be required  
to make  
plumbing  
conform  
to code

Notice

Work may  
be done  
without  
municipality

Plumbing  
provisions  
in by-laws

Multiple  
informations

Certificate  
of analyst  
as evidence

Sewage  
disposal

(2) Every municipality that or person who contravenes *Offence* a notice under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$200 for every day upon which the contravention continues. R.S.O. 1970, c. 332, s. 70 (2).

**71.**—(1) Except in the case of an application for judicial review or an action or proceeding that is specifically provided for with respect to a person referred to in this subsection in any Act or in a regulation under this or any other Act, no action or other proceeding for damages or otherwise shall be instituted against any member of the Environmental Appeal Board or the Environmental Assessment Board or against any employee of the Ministry or any Crown employee within the meaning of *The Public Service Act* acting under the direction of such member or employee of the Ministry for any act done in good faith in the execution or intended execution of any duty or authority under this Act or for any alleged neglect or default in the execution in good faith of any such duty or authority. 1974, c. 19, s. 30, *pari*; 1975, c. 71, s. 2.

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. 1974, c. 19, s. 30, *pari*.

**72.** Proceedings to enforce any provision of this Act or of any regulation made under this Act or of any by-law passed under clause c or d of subsection 1 of section 64 may be instituted within one year after the time when the subject-matter of the proceedings arose. R.S.O. 1970, c. 332, s. 72.

**73.** Where the Minister or an officer to whom power has been delegated by the Minister under section 9 has authority to direct or require that any matter or thing be done, the Minister or such officer may direct that, in default of its being done by the municipality or person directed or required to do it, such matter or thing shall be done at the expense of such municipality or person, and the Minister may recover the expense incurred in doing it, with costs, by action in a court of competent jurisdiction as a debt due to the Crown by such municipality or person. R.S.O. 1970, c. 332, s. 73; 1972, c. 1, s. 70 (2, 3).

**74.** Where any provision of this Act or any regulation made thereunder or any direction, order, approval, notice by action

Director, the Director may require such industrial or commercial enterprise,

- (a) to make investigations and submit reports to the Director in respect of the collection, transmission, treatment or disposal of sewage;
- (b) to install, construct or arrange such facilities for the collection, transmission, treatment or disposal of sewage; and
- (c) to maintain, keep in repair and operate such facilities,

as may be directed from time to time by the Director.

(1a) If an industrial or commercial enterprise makes no arrangements for the collection, transmission, treatment or disposal of sewage, a Director may require such industrial or commercial enterprise,

- (a) to make investigations and submit reports to the Director in respect of the collection, transmission, treatment or disposal of sewage;
- (b) to install, construct or arrange such facilities for the collection, transmission, treatment or disposal of sewage; and
- (c) to maintain, keep in repair and operate such facilities,

as may be directed from time to time by the Director. 1974, c. 19, s. 29.

(2) Every industrial or commercial enterprise that contravenes a direction or requirement of a Director under subsection 1 is guilty of an offence and on summary conviction is liable to a fine of not more than \$200 for every day the contravention continues. R.S.O. 1970, c. 332, s. 69 (2); 1974, c. 19, s. 2 (a).

**70.**—(1) Where the discharge or deposit of sewage into a sewage works, in the opinion of a Director, may interfere with the proper operation of a sewage works, the Director may, by notice served on or sent to the municipality that or the person who discharges or deposits, or causes or permits the discharge or deposit of sewage, require the municipality or person to stop or regulate such discharge or deposit or to take such measures in relation thereto in such manner and within such time as the notice may require. R.S.O. 1970, c. 332, s. 70 (1); 1974, c. 19, s. 2 (a).

Idem

Offence

Discharge of sewage into sewage works

Protection from personal liability

Crown not relieved of liability R.S.O. 1970, c. 386

Proceedings to enforce provisions of Act and regulations

Enforcing performance of things required to be done by Minister

Power to make regulations

the direction, order, report or notice until fifteen days after the service thereof and such person or municipality may make submissions to him at any time before the making, giving or issuing of the direction, order, report or notice. 1972, c. 1, s. 70 (50), *pari*; 1974, c. 19, s. 2 (d).

(2) When a Director,

- (a) refuses to issue or renew, or cancels or suspends a licence or permit or refuses to grant an approval;
- (b) imposes terms and conditions in issuing a licence or permit or in granting an approval;
- (c) alters the terms and conditions of a permit after it is issued; or
- (d) gives or makes any notice, direction, report or order, except an order under section 61,

he shall serve written notice of the refusal, cancellation or suspension referred to in clause a, the terms and conditions imposed or altered as referred to in clause b or c, or a written copy of the notice, direction, report or order referred to in clause d, together with written reasons therefor, in each case upon the applicant or the person or municipality to whom the licence, permit, approval, direction, order, report or notice is issued, as the case may be, and the applicant, person or municipality may, by written notice served upon the Director and the Environmental Appeal Board within fifteen days after the service of the notice, terms and conditions or written copy together with written reasons therefor in each case require a hearing by the Environmental Appeal Board. 1974, c. 19, s. 35 (1).

(3) The provisions of section 80 of *The Environmental Protection Act, 1971* apply *mutatis mutandis* to a hearing by the Environmental Appeal Board under this section. 1972, c. 1, s. 70 (50), *pari*.

(4) The applicant, person or municipality requiring the hearing, the Director referred to in subsection 2 and any other persons specified by the Environmental Appeal Board are parties to the hearing. 1974, c. 19, s. 35 (2).

**80.**—(1) In this section and in section 79, "emergency interpretation order" means an order, direction, report or notice issued, made or given under this Act in an emergency by reason of,

- (a) danger to the health or safety of any person;

or permit, made, granted, given, served or issued by a Director under this Act is contravened, in addition to any other remedy and to any penalty imposed by law, such contravention may be restrained by action at the instance of the Minister. R.S.O. 1970, c. 332, s. 74; 1972, c. 1, s. 70 (2); 1974, c. 19, s. 2 (d).

**75.** Upon the issuance or alteration of a permit or the giving of approval under this Act, there shall be paid to the Treasurer such fees as the Minister may determine, in each case having regard amongst other things to the time occupied by the Ministry in respect of such issuance, alteration or approval, and the terms and conditions in respect thereof. 1974, c. 19, s. 31.

**76.** The Minister may charge and collect for payment to the Treasurer such fees as the Minister considers proper,

- (a) for copies of documents, maps, plans or drawings; or
  - (b) for information or advice in respect of the collection, production, transmission, treatment, storage, supply or distribution of water or sewage.
- supplied by the Ministry. 1974, c. 19, s. 32.

**77.** Every person who knowingly gives false information in any application, return or statement made to the Minister or an employee of the Ministry in respect of any matter under this Act or the regulations made under this Act is guilty of an offence and on summary conviction is liable to a fine of not more than \$500. R.S.O. 1970, c. 332, s. 77; 1972, c. 1, s. 70 (2); 1974, c. 19, s. 33.

**78.** Any amount due and payable by a municipality or a person to the Treasurer in respect of any matter under this Act, together with such interest and expenses of debt service as may be determined by the Treasurer with respect to such amount, may be recovered by the Minister with costs in a court of competent jurisdiction as a debt due to the Crown by the municipality or person. 1974, c. 19, s. 34.

**79.**—(1) Where a Director intends to make, give or issue a direction, order, report or notice, other than an emergency order, he shall serve notice of his intention together with written reasons therefor upon the person or municipality to whom he intends to make, give or issue the direction, order, report or notice and shall not make, give or issue

Fees for  
approval

Fees for  
information  
or advice

False  
information

Recovery of  
moneys  
owing to  
Treasurer

Submissions

When  
approval,  
etc.,  
refused

Hearing  
1971, c. 86

Parties to  
hearing

Interpre-  
tation

(b) impairment or immediate risk of impairment of any waters or the use thereof; or

(c) injury or damage or immediate risk of injury or damage to any property or to any plant or animal life.

(2) No order, direction, report or notice, except an emergency order, shall be enforced until final disposition of an appeal, if any, or until the time for taking an appeal against the order has passed.

(3) A person or municipality to whom an emergency order is issued, made or given shall comply with the emergency order forthwith after service of the order or a written copy thereof.

(4) When an emergency order is appealed and is altered or rescinded on final appeal, the alteration or rescission of the order comes into force on the date the final decision on appeal is given. 1972, c. 1, s. 70 (50), *part*.

Enforcement of order

Compliance

When emergency order altered on appeal

## ONTARIO REGULATION 54/76

under The Executive Council Act

Transfer of Administration of Acts.  
Made—April 30th, 1975.  
Filed—January 16th, 1976.

O.C. 1214 75

Copy of an Order-in-Council approved by Her Honour the Lieutenant Governor, dated the 30th day of April, A.D. 1975.

Upon the recommendation of the Honourable the Premier, the Committee of Council advise that pursuant to subsection 1 of section 4 of *The Executive Council Act*, the administration of the sections of *The Ontario Water Resources Act* set out in the following Table and of the regulations made under such sections be transferred to the Minister of Consumer and Commercial Relations effective the 1st day of April, 1974:

TABLE

ITEM	SECTION
1	3(5a)
2	62(1)(f)
3	62(1)(g)
4	62(1)(h)
5	63
6	64
7	65
8	66
	O. Reg. 54/76.





The Pesticides Act, 1973

Ontario Regulation 618/74





# The Pesticides Act, 1973

Statutes of Ontario, 1973  
Chapter 25  
as amended by  
1974, Chapter 21  
and

Ontario Regulation 618/74  
as amended by  
O. Reg. 577/76

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CHAPTER 25

The Pesticides Act, 1973

Interpre-  
tation

1.—(1) In this Act,

1. "air" means open air not enclosed in a building, structure, machine, chimney, stack, flue or vehicle;
2. "Board" means the Pesticides Appeal Board;
3. "Committee" means the Pesticides Advisory Committee;
4. "environment" means the natural environment, a building, structure, machine and vehicle, or any of them;
5. "extermination" means a land extermination, structural extermination or a water extermination;
6. "extermination business" means an activity or enterprise carried on for the purpose of causing an extermination or exterminations to be performed for fee or payment;
7. "exterminator" means a person who, by himself or by his employees, assistants or agents, performs or enters into a contract to perform an extermination;
8. "land" means surface land not enclosed in a building or structure, land covered by water and all subsoil, or any combination or part thereof;
9. "land extermination" means the destruction, prevention or control in, on or over land of a pest or pests by the use of a pesticide but does not include a structural extermination, a water extermination or the destruction, prevention or control of termites;
10. "licence" means a licence issued under this Act and the regulations;

12. "licensee" means a person who is the holder of a licence under this Act;
13. "Minister" means the Minister of the Environment;
14. "Ministry" means the Ministry of the Environment;
15. "natural environment" means the air, land and water, or any combination or part thereof, of the Province of Ontario;
16. "operator" means a person who has the control and management of an extermination business, and "operate" has a corresponding meaning;
17. "permittee" means a person who is the holder of a permit under this Act;
18. "person" includes a municipality, a corporation on behalf of Her Majesty in right of Ontario, and an agent of any of them;
19. "person responsible", when used with reference to a pesticide, substance or thing, means,
  - (i) the owner,
  - (ii) the person having the charge, management or control of the handling, storage, use, disposal, transportation or display, or
  - (iii) the person having the charge, management or control,
 of the pesticide, substance or thing;
20. "pest" means any injurious, noxious or troublesome plant or animal life other than man or plant or animal life on or in man and includes any injurious, noxious or troublesome organic function of a plant or animal;
21. "pesticide" means any organism, substance or thing that is manufactured, represented, sold or used as a means of directly or indirectly controlling, preventing, destroying, mitigating, attracting or repelling any pest or of altering the growth, development or characteristics of any plant life that is not a pest and includes any organism, substance or thing registered under the *Pest Control Products Act* (Canada);

22. "prescribed" means prescribed by the regulations;
23. "provincial officer" means a person who is designated under section 17;
24. "regulations" means the regulations made under this Act;
25. "structural extermination" means the destruction, prevention or control of a pest that may adversely affect a building, structure, machine, vehicle or their contents or the use or enjoyment thereof by any person by the use of a pesticide in, on or in the vicinity of the building, structure, machine or vehicle and includes the destruction, prevention or control of termites;
26. "water" means surface water and ground water, or either of them;
27. "water extermination" means the destruction, prevention or control in, on or over surface water of a pest by the use of a pesticide. 1973, c. 25, s. 1; 1974, c. 21, s. 1 (1).
- (2) In this Act, "the Director" means a Director appointed under section 2*a*. 1974, c. 21, s. 1 (2).

2. The Minister, for the purpose of the administration of this Act and the regulations, may,

*Powers and duties of Minister*

- (a) investigate problems relating to pesticides and the control of pests;
- (b) conduct research relating to pesticides and the control of pests;
- (c) conduct studies of the effect of pesticides and the control of pests on the quality of the environment;
- (d) convene conferences and conduct seminars and educational programs relating to pesticides and the control of pests;
- (e) gather, publish and disseminate information relating to pesticides and the control of pests;
- (f) make grants and loans for research related to pesticides and the control of pests in such amounts and upon such terms and conditions as the regulations may prescribe;



- (g) appoint committees to perform such advisory functions as the Minister considers requisite;
- (h) with the approval of the Lieutenant Governor in Council, enter into an agreement with any government or person relating to pesticides or the control of pests. 1973, c. 25, s. 2.

#### Appointment of Directors

**24.**—(1) The Minister shall appoint in writing such employees of the Ministry as he considers necessary as Directors in respect of such sections of this Act and in respect of such of the regulations or sections thereof as are set out in the appointments.

#### Limitation of authority of Director

(2) The Minister, in an appointment pursuant to subsection 1, may limit the authority of a Director in such manner as the Minister considers necessary or advisable. 1974, c. 21, s. 2.

#### Prohibition

**3.** No person, whether acting or not acting under the authority of a licence or permit under this Act or an exemption under the regulations, shall deposit, add, emit or discharge or cause or permit the deposit, addition, emission or discharge of a pesticide or of any substance or thing containing a pesticide into the environment that,

- (a) causes or is likely to cause impairment of the quality of the environment for any use that can be made of it greater than the impairment, if any, for such use that would necessarily result from the proper use of the pesticide;
- (b) causes or is likely to cause injury or damage to property or to plant or animal life greater than the injury or damage, if any, that would necessarily result from the proper use of the pesticide;
- (c) causes or is likely to cause harm or material discomfort to any person greater than the harm or material discomfort, if any, that would necessarily result from the proper use of the pesticide;
- (d) adversely affects or is likely to affect adversely the health of any person to a greater degree than the adverse effect, if any, that would necessarily result from the proper use of the pesticide;
- (e) impairs or is likely to impair the safety of any person to a greater degree than the impairment, if any, of the safety of any person that would necessarily result from the proper use of the pesticide; or

- (f) renders or is likely to render, directly or indirectly, any property or plant or animal life unfit for use by man to a degree greater than the unfitness, if any, that would necessarily result from the proper use of the pesticide. 1973, c. 25, s. 3.

**4.**—(1) No person shall engage in, perform or offer to perform an extermination except under and in accordance with a licence of a prescribed class and except by the use of a pesticide of a class and under the conditions for use prescribed for that class of licence or unless exempt under the regulations.

(2) No person shall operate an extermination business except under and in accordance with a licence of a prescribed class or unless exempt under the regulations.

(3) No person shall serve for a period of more than six months as an assistant to the holder of a licence to perform structural exterminations unless the person is licensed as an assistant exterminator or is exempt under the regulations.

(4) No person shall serve for a period of more than seven days as an assistant to the holder of a licence to perform land exterminations or water exterminations unless the holder of the licence to perform the exterminations notifies the Director in writing or the person is exempt under the regulations. 1973, c. 25, s. 4.

**5.** Unless exempt by the regulations, no person shall sell, offer to sell or transfer any pesticide unless the pesticide is classified by the regulations and except under and in accordance with a licence that shall be for such class and in respect of each premises on, in or from which the pesticide is or will be sold, offered for sale or transferred. 1973, c. 25, s. 5.

**6.**—(1) No person shall perform a land extermination or a structural extermination,

- (a) by means of a pesticide;
- (b) by means of a pesticide of a class; or
- (c) under the conditions of use,

prescribed for the purpose of this section unless he is the holder of a permit for the land extermination or the structural extermination issued by the Director or he is exempt under the regulations.

## Item

(2) No person shall perform a water extermination unless he is the holder of a permit issued by the Director for the water extermination or he is exempt under the regulations. 1973, c. 25, s. 6.

## Responsibility for acts or omissions

7. For the purpose of this Act and the regulations, every person is, with respect to any matter under this Act and the regulations, responsible for the acts or omissions of his employees and agents within the scope of their actual or apparent authority. 1973, c. 25, s. 7.

## Liability insurance

8. An operator shall insure against liability or furnish a bond as provided for by the regulations. 1973, c. 25, s. 8.

## Advisory Committee

9.—(1) The Committee known as the Pesticides Advisory Committee established under *The Pesticides Act*, being chapter 346 of the Revised Statutes of Ontario, 1970, and consisting of not fewer than ten members appointed by the Lieutenant Governor in Council one of whom may be designated by the Lieutenant Governor in Council as chairman and for whom the Lieutenant Governor in Council may appoint a person who is not a member as secretary, is continued.

## Quorum

(2) Six members of the Committee constitute a quorum.

## Functions

(3) The Committee shall,

- (a) review annually the content and operation of this Act and the regulations and recommend changes or amendments therein to the Minister;
- (b) inquire into and consider any matter the Committee considers advisable concerning pesticides and the control of pests, and any matter concerning pesticides and the control of pests referred to it by the Minister, and report thereon to the Minister;
- (c) review publications of the Government of Ontario respecting pesticides and the control of pests, and report thereon to the Minister; and
- (d) perform such other functions as the regulations prescribe. 1973, c. 25, s. 9.

## Issuance of licence or permit

10.—(1) Subject to subsection 2, the Director shall issue or renew a licence under section 4 or 5, and subject to subsection 3, the Director shall issue a permit under section 6 to any person who applies for the licence or permit, as the case may be, in accordance with the regulations and who meets

the requirements of this Act and the regulations for the particular class of licence or for the permit applied for and who pays the fee prescribed for the licence or permit.

(2) Subject to section 13, the Director may refuse to issue or renew a licence or may suspend or revoke a licence where, in the opinion of the Director,

Revocation and refusal of licence

(a) the applicant or licensee is in contravention of this Act or the regulations;

(b) the licensee is in breach of any term or condition of the licence;

(c) the applicant or licensee or, where the applicant or licensee is a corporation, its officers or directors, is or are not competent to carry on the activity that would be or is authorized by the licence;

(d) the past conduct of the applicant or licensee or, where the applicant or licensee is a corporation, of any of its officers or directors, affords reasonable grounds for belief that the activity that would be or is authorized by the licence will not be carried on with honesty and integrity;

(e) the applicant or licensee does not possess or will not have available all premises, facilities and equipment necessary to carry on the activity authorized by the licence in accordance with this Act, the regulations and the licence;

(f) the applicant or licensee is not in a position to observe or carry out the provisions of this Act, the regulations and the licence;

(g) the licensee has been grossly negligent in carrying on the activity that is authorized by the licence; or

(h) the licensee has fraudulently misrepresented his services in performing an extermination or in carrying on an extermination business.

(3) The Director may refuse to issue or may cancel a permit, and impose terms and conditions in issuing or after issuing a permit and may alter the terms and conditions of a permit that has been issued where the Director is of the opinion, upon reasonable and probable grounds, that,

Revocation and refusal of permit

- (a) the applicant or permittee is not competent to perform the extermination for which the permit is required;
- (b) the applicant or permittee does not possess or will not have available all facilities and equipment necessary to perform the extermination in accordance with this Act, the regulations and the permit;
- (c) there is or is likely to be danger to the health or safety of any person;
- (d) there is or is likely to be harm or material discomfort to any person;
- (e) there is or is likely to be impairment of the quality of the environment for any use that is being or is likely to be made of it;
- (f) there is or is likely to be injury or damage to any property or to plant or animal life;
- (g) any property or plant or animal life is or is likely to be rendered, directly or indirectly, unfit for use by man;
- (h) a different method of control or extermination will or will likely be substantially as effective as the proposed extermination for which a permit is required under section 6 and will or will likely cause less impairment of the environment, if any, for any use that is being or is likely to be made of it or less harm to or adverse effect, if any, on any plant or animal life, man or property; or
- (i) the use of the pesticide will not be or will not likely be effective or necessary to carry out the extermination. 1973, c. 25, s. 10.

11. A licence expires on the 15th day of February in the year next following the year in which it was issued. 1973, c. 25, s. 11.

Term of  
licence

12.—(1) The Lieutenant Governor in Council shall appoint a board, consisting of not more than seven members, to be known as the Pesticides Appeal Board who shall hold office during pleasure and none of whom shall be members of the public service in the employ of the Ministry.

Pesticides  
Appeal  
Board

(2) The Lieutenant Governor in Council may appoint one of Chairman the members of the Board as chairman.

(3) Four members of the Board constitute a quorum.

Quorum

(4) Such employees as are required for the purposes of the Appointment of staff Board may be appointed under *The Public Service Act*, 1973, R.O. 1970, c. 25, s. 12.

13.—(1) Where the Director proposes,

Proposal  
to refuse  
to issue  
licence etc.

(a) to refuse to issue or renew a licence;

(b) to suspend or revoke a licence; or

(c) to make, amend or vary a control order,

he shall serve notice of his proposal, together with written reasons therefor, on the applicant, licensee or person to whom the Director intends to direct the control order.

(2) A notice under subsection 1 shall inform the applicant, licensee or person to whom the Director intends to direct the control order that he is entitled to a hearing by the Board if he mails or delivers to the Director and the Board, within fifteen days after the notice under subsection 1 is served on him, notice in writing requiring a hearing, and he may so require such a hearing.

(3) Where an applicant, licensee or person to whom the Director intends to direct the control order does not require a hearing by the Board in accordance with subsection 2, the Director may carry out the proposal stated in his notice under subsection 1.

Powers of  
Director to  
hear

(4) Where an applicant, licensee or person to whom the Director intends to direct the control order requires a hearing by the Board in accordance with subsection 2, the Board shall appoint a time and place for and hold the hearing and may by order direct the Director to carry out his proposal or refrain from carrying out his proposal and to take such action as the Board considers the Director ought to take in accordance with this Act and the regulations, and for such purposes the Board may substitute its opinion for that of the Director.

Powers of  
Board where  
hearing

(5) The Board may extend the time for the giving of notice of time requiring a hearing by an applicant, licensee or person to whom the Director intends to direct a control order referred to in subsection 1, either before or after the expiration of such

Extension  
of time  
to hearing



time, where it is satisfied that there are reasonable grounds for applying for the extension and that there are *prima facie* grounds for granting relief to the applicant, licensee or person to whom the Director intends to direct the control order referred to in subsection 1, and the Board may give such directions as it considers proper consequent upon the extension.

Continuation  
of licence  
notice  
Renewal

(6) Where, within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has applied for a renewal of his licence and paid the prescribed fee, his licence shall be deemed to continue,

(a) until the renewal is granted; or

(b) where he is served with notice that the Director proposes to refuse to grant the renewal, until the time for giving notice requiring a hearing by the Board has expired and, where a hearing is required, until the Board has made its decision.

Emergency  
notice

(7) Notwithstanding subsection 6, where the Director is of the opinion that an emergency exists by reason of,

(a) danger to the safety or health of any person;

(b) impairment or immediate risk of impairment of the environment for any use that is being or is likely to be made of it;

(c) injury or damage or immediate risk of injury or damage to property, or to plant or animal life;

(d) the rendering or immediate risk of rendering, directly or indirectly, of any property or plant or animal life unfit for use by man; or

(e) a failure by a licensee to have in force insurance against liability or to furnish or have in force a bond as required by section 8,

the Director, by a notice to a licensee or to a person to whom the Director intends to direct a control order, together with written reasons therefor, may refuse to renew, suspend or revoke a licence or make, amend or vary a control order and, notwithstanding that the licensee or person to whom the control order is directed requires a hearing by the Board, the licence shall not be deemed to continue or the suspension, revocation or the making, amendment or variation of the control order is effective upon the service of the notice, as the case requires.

(8) Where the Director refuses to issue or cancels a permit or imposes or alters a term or condition in a permit that has been issued, he shall forthwith thereafter serve or cause to be served notice of his decision, upon the applicant or permittee, together with written reasons therefor.

Reconsider-  
ation

(9) Where the Director issues a permit subject to a term or condition, refuses to issue or cancels a permit or imposes or alters a term or condition in a permit that has been issued and the applicant or permittee makes submissions to the Director, the Director, within three days after receiving the submissions, shall reconsider and vary, rescind or confirm his decision and shall serve or cause to be served notice of such variance, rescission or confirmation upon the applicant or permittee together with written reasons therefor and where the Director varies or rescinds his decision, he shall take such action as may be necessary to make the variation or rescission effective.

Notice

(10) A permit issued by the Director subject to a term or condition and a notice under subsection 8 shall inform the applicant or permittee that he is entitled to make submissions to the Director, in person or by an agent and by telephone or otherwise and that he is entitled to a hearing by the Board if he mails or delivers to the Director and the Board, within fifteen days after the notice under subsection 9 is served on him, notice in writing requiring a hearing and he may so make such submissions and so require such a hearing.

Effect of  
service of  
notice

(11) Notwithstanding the making of submissions by an applicant or a permittee pursuant to subsection 10, the issuance of a permit subject to a term or condition or the cancellation of a permit or the imposition or alteration of a term or condition in a permit that has been issued by the Director is effective upon the issuance of the permit or upon the service of the notice under subsection 8.

Application  
of subss. 4  
5

(12) Subsections 4 and 5 apply *mutatis mutandis* to a hearing by the Board required under subsection 10. 1973, c. 25, s. 13.

Parties

14.—(1) The Director, the applicant, licensee, permittee or person to whom the Director intends to direct a control order who has required a hearing and such other persons as the Board may specify are parties to proceedings before the Board under section 13.

Notice of  
hearing

(2) Notice of a hearing under section 13 shall afford to the applicant, licensee, permittee or person to whom the Director intends to direct a control order a reasonable

(2) Where any party appeals from a decision or order of the Board, the Board shall forthwith file in the Supreme Court in the record of the proceedings before it in which the decision was made, which, together with the transcript of the evidence if it is not part of the Board's record, shall constitute the record in the appeal.

(3) The Minister is entitled to be heard by counsel or otherwise upon the argument of an appeal under subsection 1.

(4) Any party to a hearing before the Board, within thirty days after receipt of the decision of the Board or within thirty days after final disposition of an appeal, if any, under subsection 1, may appeal in writing to the Minister on any matter other than a question of law and the Minister shall confirm, alter or revoke the decision of the Board as to the matter in appeal as he considers in the public interest. 1973, c. 25, s. 15.

**16.—**(1) Except in the case of an application for judicial review or an action or proceeding that is specifically provided for with respect to a person referred to in this subsection in any Act or in a regulation under this or any other Act, no action or other proceeding for damages or otherwise shall be instituted against an employee of the Ministry, a member of the Board or the Committee or a Crown employee within the meaning of *The Public Service Act* who is a provincial officer or is acting under the direction of an employee of the Ministry, or such member or provincial officer for any act done in good faith in the execution or intended execution of any duty or authority under this Act or for any alleged neglect or default in the execution in good faith of any such duty or authority. 1974, c. 21, s. 3.

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted. 1973, c. 25, s. 16 (2).

**17.—**(1) The Minister may designate in writing one or more officers or employees of the Ministry or other persons as provincial officers for the purposes of this Act and the regulations. 1973, c. 25, s. 17 (1).

(2) For the purpose of the administration of this Act and the regulations, a provincial officer may, from time to time

opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue or retention of the licence or permit or to take such action as will preclude the necessity for making, amending or varying the control order.

(3) An applicant, licensee, permittee or person to whom the Director intends to direct a control order who is a party to proceedings under section 13 shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

(4) Members of the Board holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

(5) The oral evidence taken before the Board at a hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

(6) The findings of fact of the Board pursuant to a hearing shall be based exclusively on evidence admissible or matters that may be noticed under sections 15 and 16 of *The Statutory Powers Procedure Act*, 1971.

(7) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

(8) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him by the Board within a reasonable time after the matter in issue has been finally determined. 1973, c. 25, s. 14.

**15.—**(1) Any party to proceedings before the Board may appeal from its decision or order on a question of law to the Supreme Court in accordance with the rules of court.

Examination of documentary evidence

Members holding hearing not to have taken part in investigation, etc.

Recording of evidence

Findings of fact  
1971, c. 47

Only members at hearing to participate in decision

Release of documentary evidence

Appeal to court

Record to be filed in court

Minister entitled to be heard

Protection from personal liability

Crown not relieved of liability  
R.S.O. 1970, c. 385

Provincial officers

Powers of provincial officer



and upon production of his designation, enter at any reasonable time any building, structure, machine, vehicle, land, water or air and make or require to be made such surveys, examinations, investigations, tests and inquiries, including examinations of books, records and documents, as he considers necessary, and may make, take and remove or may require to be made, taken or removed samples, copies or extracts. 1973, c. 25, s. 17 (2); 1974, c. 21, s. 4.

Order  
authorizing  
entry

(3) Where a provincial judge is satisfied, upon an *ex parte* application by a provincial officer, that there is reasonable ground for believing that it is necessary to enter any building, structure, machine, vehicle, land, water or air for the administration of this Act or the regulations, the provincial judge may issue an order authorizing a provincial officer to enter therein or thereon and to make or require to be made such surveys, examinations, investigations, tests and inquiries and to take the other actions that are mentioned in subsection 2, but every such entry, survey, examination, investigation, test, inquiry and other such action shall be made or taken between sunrise and sunset unless the provincial judge authorizes the provincial officer, by the order, to so act at another time.

Information

(4) Every person responsible for a pesticide or for a substance or thing containing a pesticide that is the subject of an investigation by a provincial officer, and every person who assists such a person, shall furnish such information as the provincial officer requires for the purpose of the investigation.

Obstruction  
of provincial  
officer

(5) No person who is responsible for a pesticide or for a substance or thing containing a pesticide or who assists such a person shall hinder or obstruct a provincial officer in the lawful performance of his duties or furnish a provincial officer with false information. 1973, c. 25, s. 17 (3-5).

Calling for  
assistance of  
police force

18. Whenever a provincial officer is required or empowered by this Act or the regulations to do or direct the doing of anything, such provincial officer may take such steps and employ such assistance as is necessary to accomplish what is required, and may, when obstructed in so doing, call for the assistance of any member of the Ontario Provincial Police Force or the police force in the area where the assistance is required and it is the duty of every member of a police force to render such assistance. 1973, c. 25, s. 18.

Matters  
confidential

19. Except as to information in respect of,

- (a) impairment or potential impairment of the quality of the environment for any use that can be made of it; or

- (b) harm or potential harm to or an adverse effect on any person, living thing or any property,

arising from or likely to arise from the handling, storage, use, disposal, transportation or display of a pesticide or a substance or thing containing a pesticide, every provincial officer shall preserve secrecy in respect of all matters that come to his knowledge in the course of an examination, test or inquiry of or into any matter under this Act or the regulations and shall not communicate any such matter to any person except.

- (c) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations;

- (d) to his counsel; or

- (e) with the consent of the person who is responsible for the handling, storage, use, disposal, transportation or display of the pesticide, substance or thing. 1973, c. 25, s. 19.

20.—(1) Where the Director or a provincial officer is of the <sup>Stop order</sup> opinion, upon reasonable and probable grounds, that an emergency exists by reason of,

- (a) danger to the health or safety of any person;
- (b) impairment or immediate risk of impairment of the quality of the environment for any use that is being or is likely to be made of it;
- (c) injury or damage or immediate risk of injury or damage to any property or to any plant or animal life; or
- (d) the rendering or the immediate risk of rendering, directly or indirectly, any property or plant or animal life unfit for use by man,

consequent upon the handling, storage, use, disposal, transportation or display of a pesticide or a substance or thing containing a pesticide, the Director or provincial officer, as the case may be, may make an oral or written stop order directed to the person responsible for the pesticide or the substance or thing containing the pesticide ordering such person to stop immediately the handling, storage, use, disposal, transportation or display of the pesticide or the substance or thing containing the pesticide either permanently or for a specific period of time.

Immediate  
appeal

(2) A person who is affected by a stop order made by a provincial officer under subsection 1 may appeal therefrom in person or by an agent and by telephone or otherwise to the Director and the Director, after receiving the submissions of the person and of the provincial officer, shall vary, rescind or confirm the stop order of the provincial officer.

Written  
reasons  
for order

(3) Where the Director makes a stop order or varies or confirms a stop order pursuant to subsection 2, the Director shall forthwith thereafter serve or cause to be served a written copy of the stop order or a written copy of the stop order as varied or confirmed, as the case requires, together with written reasons therefor, upon the person to whom the stop order or the stop order as varied or confirmed is directed.

## Notice

(4) A stop order, or a stop order as varied or confirmed, under subsection 3 shall inform the person to whom it is directed that he is entitled to a hearing by the Board if he mails or delivers to the Director and the Board, within fifteen days after a copy of the stop order, or the stop order as varied or confirmed, under subsection 3, is served on him, notice in writing requiring a hearing and he may so require such a hearing.

Effect of  
stop order

(5) Notwithstanding that an appeal is taken against a stop order, the stop order is effective at and from the time it is communicated to the person to whom it is directed until confirmed, varied or rescinded on appeal and such person shall comply with the stop order immediately.

Appeal to  
Board

(6) Where the Director has made a stop order or has varied or confirmed upon appeal to the Director a stop order made by a provincial officer, any person to whom the order is directed may, by written notice mailed to or served upon the Director and the Board within fifteen days after service upon him of a copy of the stop order or of the stop order as varied or confirmed, as the case requires, require a hearing by the Board.

Powers of  
Board where  
hearing

(7) Where a person to whom a stop order is directed requires a hearing by the Board in accordance with subsection 6, the Board shall appoint a time and place for and hold the hearing and the Board may by order confirm, alter or rescind the order of the Director and for such purposes the Board may substitute its opinion for that of the Director.

## Parties

(8) The Director, the person who has required the hearing and such other persons as the Board may specify are parties to proceedings before the Board under this section.

(9) Subsection 5 of section 13, subsections 2, 3, 4, 5, 6, 7 and Application of (ss. 13 (6), 8 of section 14 and section 15 apply *mutatis mutandis* to pro-14 (2-8) and 15 ceedings under this section.

(10) The Director, by an order, may rescind a stop order Revocation of stop order and in such case shall serve or cause to be served a copy of the rescinding order upon the person to whom the stop order was directed. 1973, c. 25, s. 20.

**21.**—(1) Where the handling, storage, use, disposal, transportation or display of a pesticide or a substance or thing containing a pesticide.

(a) causes or is likely to cause impairment of the quality of the environment for any use that is being or is likely to be made of it;

(b) causes or is likely to cause injury or damage to property or to plant or animal life;

(c) causes or is likely to cause harm or material discomfort to any person;

(d) adversely affects or is likely to affect adversely the health of any person;

(e) impairs or is likely to impair the safety of any person;

(f) renders or is likely to render, directly or indirectly, any property or plant or animal life unfit for use by man.

The Director, subject to section 13, may make a control order directed to the person responsible for the pesticide or the substance or thing containing the pesticide.

(2) The Director, in a control order, may order the person Content of control order to whom the order is directed to,

(a) limit or control the rate of deposit, addition, emission or discharge of a pesticide or a substance or thing containing a pesticide into the environment in accordance with the directions set out in the order;

(b) stop the deposit, addition, emission or discharge of a pesticide or a substance or thing containing a pesticide into the environment.

(i) permanently;

- (ii) for a specified period of time, or
- (iii) in the circumstances set out in the order; and
- (c) comply with any directions set out in the order relating to the manner in which a pesticide or a substance or thing containing a pesticide or the container of either of them may be handled, stored, used, disposed of, transported or displayed.
- (3) The Director, under any of the circumstances set out in subsection 1 and in accordance with subsection 2, by a further order, may amend or vary a control order and sections 13, 14 and 15 apply *mutatis mutandis*.
- (4) The Director, by an order, may rescind a control order and in such case shall serve or cause to be served a copy of the rescinding order upon the person to whom the control order was directed. 1973, c. 25, s. 21.

Amendment  
of control  
order

Revocation of  
control order

When  
Director to  
be notified

**22.** Every person who deposits, adds, emits, or discharges a pesticide or a substance or thing containing a pesticide in or into the environment out of the normal course of events that,

- (a) causes or is likely to cause impairment of the quality of the environment for any use that can be made of it;
- (b) causes or is likely to cause injury or damage to property or to plant or animal life;
- (c) causes or is likely to cause harm or material discomfort to any person;
- (d) adversely affects or is likely to adversely affect the health of any person;
- (e) impairs or is likely to impair the safety of any person; or
- (f) renders or is likely to render, directly or indirectly, any property or plant or animal life unfit for use by man,

shall forthwith notify the Director. 1973, c. 25, s. 22.

Minister  
may order  
repair of  
damage

**23.**—(1) Where any person deposits, adds, emits or discharges or causes or permits the deposit, addition, emission or discharge of a pesticide or a substance or thing containing a

pesticide that causes or is likely to cause injury or damage to or impairment of,

- (a) the quality of the environment for any use that is being or is likely to be made of it;
- (b) any property or water;
- (c) plant or animal life; or
- (d) a person,

the Minister, where he is of the opinion that it is in the public interest to do so, may order the person responsible for the pesticide or the substance or thing containing the pesticide to do all things and take all steps within such time or times as may be specified in the order for the purpose of preventing or repairing, as the case requires, such injury or damage or impairment or to restore such quality.

(2) Every person responsible for a pesticide or a substance or thing containing a pesticide shall take such measures <sup>Cleaning and decontamination</sup> and do such things within such time or times with respect to the cleaning and decontamination of the environment, or any plant or animal life, substance or thing that has come into contact with a pesticide by any means other than in accordance with this Act and the regulations or a licence, permit or order thereunder as may be prescribed.

(3) No person shall use the environment or any plant or <sup>idem</sup> animal life, substance or thing that has come into contact with a pesticide by any means other than in accordance with this Act and the regulations or a licence, permit or order thereunder unless the cleaning and decontamination thereof has been completed in the prescribed manner or has been approved by the Director in writing. 1973, c. 25, s. 23.

**24.**—(1) An order of the Minister, the Director or a provincial <sup>Order binds successor or assignee</sup> officer under this Act is binding upon the successor or assignee of the person to whom it is directed.

(2) The Ministry shall maintain an alphabetical index record <sup>Index record</sup> of the names of all persons to whom orders are directed under this Act.

(3) When an order has expired or is rescinded, the Ministry shall remove from the index record the name of the person <sup>Removal of name from index record</sup> to whom the order is directed.

(4) The Ministry shall, upon the request of any person, make a search of the index record and inform the person <sup>Search of index record</sup> of the results.



making the request as to whether or not the name of a particular person appears in the index record and shall permit inspection of any order relating to that person. 1973, c. 25, s. 24.

#### The Crown

**25.** This Act binds the Crown. 1973, c. 25, s. 25.

#### Licences or permits not transferable

**26.** A licence or a permit under this Act is not transferable. 1973, c. 25, s. 26.

#### Exemption

**27.** Where, in the opinion of the Director, it is in the public interest to do so, the Director may exempt an applicant for a licence issued by the Director pursuant to section 5 or the holder of such a licence from any provision of the regulations and issue a licence to the applicant or modify the licence of the licensee, as the case may be, upon such terms and conditions, or alter or revoke the terms and conditions, as the Director considers necessary. 1973, c. 25, s. 27.

#### Regulations

**28.** The Lieutenant Governor in Council may make regulations.

1. prescribing classes of licences and the requirements for licences and renewals;
2. exempting any person or class of persons from this Act or the regulations or any provision thereof and prescribing terms and conditions attaching to any such exemption;
3. providing for the issue and renewal of licences and prescribing fees therefor;
4. providing for the issue of permits, prescribing fees therefor and the requirements therefor;
5. prescribing terms and conditions with respect to sales, offers to sell, transfers or premises in, on or from which sales, offers to sell or transfers of a pesticide are or will be made that shall attach to any class of licence;
6. providing for the examination of applicants for permits and licences and renewals of licences, and prescribing fees for such examinations;
7. providing for the appointment of examiners for applicants for licences and permits, the period for which such appointments may be made and the remuneration of examiners;

8. requiring applicants for licences to undergo medical examinations;
9. prescribing the procedures, conditions and notices for exterminations and for the airing out of buildings, structures and vehicles;
10. fixing the amount and type of insurance or bond that shall be carried or furnished by operators and prescribing the form, requirements and terms thereof;
11. prescribing pesticides, classes of pesticides and conditions of use for the purpose of section 6;
12. prescribing that a type or class of structural extermination may be deemed a land extermination and prescribing that a type or class of land extermination may be deemed a structural extermination for the purpose of this Act and the regulations;
13. permitting any class of operator or exterminator to perform or to undertake to perform any extermination for which the members of the class are not licensed and prescribing the conditions that shall attach to the permission;
14. exempting any machine, apparatus, equipment, or class thereof, from this Act or the regulations, or any provision thereof;
15. exempting any type or class of building, vehicle or structure from this Act or the regulations or any provision thereof;
16. excluding any land or water from the operation of this Act or the regulations or any provision thereof;
17. regulating or prohibiting the installation, operation, maintenance and use of any machine, apparatus or equipment used for extermination;
18. governing the signs, marking or other identification of vehicles or machines used in exterminations;
19. regulating the construction of any enclosed space or vault in which movable property may be placed during the periods of extermination and airing out;
20. prescribing functions, practices and procedures, tenure of office and remuneration of the Committee;

21. providing for the remuneration and expenses of members of the Pesticides Appeal Board;
22. prescribing forms and providing for their use for the purposes of this Act;
23. governing, regulating or prohibiting the use, handling, storage, display or disposal of pesticides;
24. classifying pesticides and prohibiting or regulating the sale, offering for sale or transfer of any pesticide or class of pesticides;
25. prohibiting the holders of any class of licence from using any designated pesticide or class of pesticides;
26. regulating the type of containers and the labelling of containers for pesticides other than the containers in which pesticides are sold or offered for sale;
27. regulating the disposal of containers of pesticides;
28. prescribing the records to be kept and returns to be made by licensees;
29. exempting any plant or animal life, organism, substance or thing or any class of any of them or any quantity or concentration of any organism or substance from this Act or the regulations or any provision thereof;
30. respecting premises on, in or from which any pesticide or class of pesticide is sold, offered for sale or transferred;
31. regulating and controlling, for the purpose of preventing or reducing the contamination by pesticides of the environment, property, plant or animal life, or of any person, the transportation of any designated pesticide or class of pesticides by any vehicle operated on any highway or road or the transportation of any designated pesticide or class of pesticides together with any commodity or class of commodities by a vehicle operated on any highway or road;
32. prohibiting the transportation of any designated pesticide or class of pesticides together with any commodity or class of commodity by a vehicle operated on any highway or road;

33. prescribing the records to be kept by persons responsible for the transportation of any designated pesticide or class of pesticides by a vehicle operated on a highway or road;
  34. requiring, regulating or prohibiting the removal or disposal of any substance or thing that has come into contact with any pesticide by any means other than in accordance with this Act and the regulations or a licence, permit or order thereunder;
  35. requiring and prescribing measures to be taken and things to be done with respect to the cleaning and decontamination of the environment or any plant or animal life, substance or thing that has come into contact with a pesticide by any means other than in accordance with this Act and the regulations or a licence, permit or order thereunder and the time or times within which such measures shall be taken and things done. 1973, c. 25, s. 28.
- 29.**—(1) Any regulation may be general or particular in its application and may be limited as to time or place or both.
- (2) Any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, formula, standard or procedure, and may require compliance with any code, formula, standard or procedure so adopted. 1973, c. 25, s. 29.
- 30.** The Minister may charge and collect for payment to the Treasurer of Ontario such fees as the Minister considers proper for all copies of pamphlets, brochures, documents, maps, plans or drawings supplied by the Ministry. 1973, c. 25, s. 30; 1974, c. 21, s. 5.
- 31.**—(1) Any notice, order, decision or other document required to be given, served or delivered under this Act or the regulations is sufficiently given, served or delivered if delivered personally or sent by registered mail addressed to the person to whom it is required to be given, served or delivered at the latest address for service appearing on the records of the Ministry or, where there is no address for service so appearing, at the address, if any, last known to the Director.
- (2) Where service is made by registered mail pursuant to subsection 1, the service shall be deemed to be made on the fifth day after the day of mailing unless the person on whom service is being made establishes that he did not, acting in

When service deemed made



is *prima facie* evidence of the facts stated therein and of the authority of the person making the report, notice, licence, permit, order, certificate, consent or approval without any proof of appointment or signature. 1973, c. 25, s. 36.

**37.**—(1) Where any provision of this Act or the regulations or any direction, order, licence or permit made, served, delivered or issued by the Minister or the Director under this Act is contravened, notwithstanding any other remedy or any penalty imposed, the Minister may apply to a judge of the Supreme Court by originating motion for an order prohibiting the continuation or repetition of the contravention or the carrying on of any activity specified in the order that, in the opinion of the court, will or will likely result in the continuation or repetition of the contravention by the person committing the contravention, and the judge may make the order and it may be enforced in the same manner as any other order or judgment of the Supreme Court.

(2) Any person against whom an order has been made under subsection 1 may apply to a judge of the Supreme Court for an order varying or rescinding such order. 1973, c. 25, s. 37.

**38.** Where a conflict appears between any provision of this Act or the regulations and any other Act or regulation in a matter related to pesticides and the control of pests, the provision of this Act or the regulations shall prevail. 1973, c. 25, s. 38.

**39.** Every application, examination, licence, permit, order, regulation, prosecution, proceeding or hearing that is made, taken or deemed to be in effect under Part VI of *The Environmental Protection Act, 1971* and under *The Pesticides Act* shall continue to subsist and shall be deemed to be in effect under this Act in accordance with the terms thereof or until amended or revoked under this Act or the regulations. 1973, c. 25, s. 39.

**40.** The following are repealed:

1. *The Pesticides Act*, being chapter 346 of the Revised Statutes of Ontario, 1970.
2. Section 66 of *The Civil Rights Statute Law Amendment Act, 1971*, being chapter 50.
3. Section 71 of *The Government Reorganization Act, 1972*, being chapter 1.

good faith, through absence, accident, illness or other cause beyond his control, receive the notice, order, decision or other document until a later date. 1973, c. 25, s. 31.

**32.** Where the Minister or the Director has authority to order or require that any matter or thing be done, the Minister may order that, in default of its being done by the person ordered or required to do it, such matter or thing shall be done at the expense of such person, and the Minister may recover the cost of doing it, with costs, by action in a court of competent jurisdiction as a debt due to the Crown by such person. 1973, c. 25, s. 32.

**33.** No person shall knowingly give false information in any application, return or statement made to the Minister, a provincial officer or any employee of the Ministry in respect of any matter under this Act or the regulations. 1974, c. 21, s. 6.

**34.** Every person, whether as principal or employer or as agent or employee of either of them, who contravenes any provision of this Act or the regulations or fails to comply with an order or a term or condition of a licence or permit made or issued under this Act is guilty of an offence and on summary conviction is liable on a first conviction to a fine of not more than \$5,000 for every day or part thereof upon which the offence occurs or continues and upon a second or subsequent conviction to a fine of not more than \$10,000 for every day or part thereof upon which the offence occurs or continues. 1973, c. 25, s. 34.

**35.** An information in respect of any matter under this Act may be for one or more offences and no information, summons, warrant, conviction or other proceeding in any prosecution is objectionable or insufficient by reason of the fact that it relates to two or more offences. 1973, c. 25, s. 35.

**36.** In any prosecution, proceeding or hearing under this Act or the regulations, the production of,

- (a) a certificate or report of an analyst in the employ of the Crown in right of Ontario designated by the Minister as to the analysis, ingredients, quality, quantity or temperature of any material, whether solid, liquid or gas or any combination of them; or
- (b) a notice, licence, permit, order, certificate, consent or approval purporting to be signed by the Minister or the Director, or any certified copy thereof.

Commence-  
ment

**\*41.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title

**42.** This Act may be cited as *The Pesticides Act, 1973*.

**\*NOTE:** The Act was proclaimed in force as of May 31st, 1974 and the amendments to the Act by 1974, c. 21 were proclaimed in force as of July 4th, 1974.

# ONTARIO REGULATION 618/74

under The Pesticides Act, 1973

## GENERAL

### INTERPRETATION

1. In this Regulation,

- (a) "adequate respiratory protection" means a respiratory device or devices which effectively protects the user from adverse effects which might result from breathing in of a pesticide during the handling or use of the pesticide;
- (aa) "adequate protective clothing" means clothing including rubber or neoprene boots, rubber or neoprene gloves, hats, coats and other garments that effectively protect the user from adverse effects which might result from a pesticide coming in contact with the skin during or after the handling or use of the pesticide;
- (ab) "agricultural or forestry production" means the production of plants, animals, or both, by an agriculturist;
- (b) "agriculturist" means a person who uses farm land for agricultural or forestry production;
- (ba) "air-blast machine" means a pesticide application device utilizing an independent mechanically produced stream of air to assist the carrying of the pesticide beyond the office of the device;
- (c) "Crown employee" means a Crown employee within the meaning of *The Public Service Act*;
- (d) "drainage ditch" means a man-made water-course, added to the natural land drainage system, primarily to collect and convey water and which, for some period each year, does not contain flowing water;
- (e) "farm land" means land, or a farm structure, or both, used for agricultural or forestry production where it comprises,
  - (i) at least eleven acres that are contiguous except for division by a street, road, railway or water, or
  - (ii) less than eleven acres, if there has been an average gross annual revenue over the three years immediately preceding or a gross revenue in the

- year immediately preceding the date of the sale or proposed sale at retail of a pesticide for use on the land or the farm structure of not less than \$2,000 from the sale of the products of agricultural or forestry production, or both, produced on the land or farm structures, or both;
- (f) "farm structure" means a structure used for agricultural or forestry production but does not include a structure used primarily for storage or human habitation;
- (g) "fire resistance rating" means the rating assigned to a component or assembly from a test of the time of fire resistance of a representative specimen conducted in accordance with,
- (i) Underwriters' Laboratories of Canada Standard for Fire Tests of Building Construction and Materials, ULC 263, 1971, or
- (ii) Underwriters' Laboratories of Canada Standard for Fire Tests of Door Assemblies, ULC 10 (b), 1970;
- (h) "fire separation" means a barrier against the spread of fire and smoke;
- (i) "herbicide" means any pesticide used for the destruction or control of any vegetation;
- (j) "hormone type herbicide" means any pesticide containing,
  - (i) 2,4-D,
  - (ii) 2,4-DB,
  - (iii) 2,4,5-T,
  - (iv) mecoprop,
  - (v) fenoprop,
  - (vi) MCPA,
  - (vii) MCPB,
  - (viii) dichlorprop,
  - (ix) dicamba,
  - (x) TBA,
  - (xi) fenac, or
  - (xii) picloram;

(k) "limited wholesale vendor" means a person who may sell at wholesale only those pesticides mentioned in section 89 in accordance with the provisions of section 89.

(l) "mammalian pest" means any rat, mouse, hog, mole or skunk.

(m) "person who sells at retail" means a person who sells at retail.

(n) "sell at retail" means sell, transfer or offer to sell or transfer to a purchaser or a transferee for the purpose of use and not for resale or transfer.

(o) "sell at wholesale" means sell, transfer or offer to sell or transfer, other than at retail.

(p) "store for sale at retail" means keep for sale at retail in an area that is separated from that part of the premises in which the retail vendor normally transacts business.

(q) "store for sale at wholesale" means keep for sale at wholesale in an area that is separated from that part of the premises in which the wholesale vendor or limited wholesale vendor normally transacts business.

(r) "warning gas" means a gas that immediately identifies its presence by its effect on the senses when a person is exposed to it.

(s) ("wholesale vendor" means a person who sells at wholesale O. Reg. 618/74, s. 1. O. Reg. 577/76, s. 1)

THE PESTICIDES ADVISORY COMMITTEE

- 2.—(1) The term of office of a member of the Committee other than a member who is a Crown employee is three years.
- (2) Every vacancy on the Committee caused by the death, resignation or incapacity of a member may be filled by the appointment of a member for the remainder of the term of the member. O. Reg. 618/74, s. 2
- 3.—(1) The Committee shall meet.
- (a) at the request of the Minister;
- (b) at the request of the chairman; or
- (c) at the request of any three members of the Committee

- (2) The secretary of the Committee shall.
- (a) keep a record of all business transacted at a meeting of the Committee;
- (b) have the custody of all reports, submissions and correspondence received by the Committee; and
- (c) produce the records and other documents mentioned in clause b for inspection when requested by the Minister or an officer of the Ministry designated by him. O. Reg. 618/74, s. 3.
4. A member of the Committee, other than a member who is an officer of the Crown, shall be paid.
- (a) \$135 if he is the chairman; or
- (b) \$105 if he is not the chairman; and
- (c) his necessary travelling and other expenses.

for each day that he is engaged upon the work of the Committee. O. Reg. 618/74, s. 4.

APPLICATION FOR LICENCE

5. An application for a type of licence mentioned in Column 1 of the following Table shall be in the form set opposite thereto in Column 2.

TABLE	
COLUMN 1	COLUMN 2
Type of Licence	Form of Application for Licence
1 Operator (all classes)	2
2 Structural Extreminator (all classes)	1
3 Land Extreminator (all classes)	1
4 Water Extreminator (all classes)	1
5 Wholesale Vendor (all classes)	8
6 Retail Vendor (all classes)	9

O. Reg. 577/76, s. 2

GENERAL REQUIREMENTS FOR EXTERMINATOR'S LICENCE

- 6.—(1) Subject to subsection 4, an applicant for any class of exterminator's licence shall submit with his application the names of at least two reputable persons who have known the applicant for at least one year immediately prior to the application and are prepared to attest to his good reputation. O. Reg. 577/76, s. 3 (1).
- (2) An applicant for any class of exterminator's licence shall.
- (a) be physically fit for the purpose of performing exterminations and provide a certificate to this effect from a legally qualified medical practitioner;
- (b) submit to an examination referred to in section 11 and be recommended by the examiners as competent to hold the class of licence for which he has applied;
- (c) have grade 10 standing or other qualifications considered by the Director to be equivalent thereto;
- (d) be at least sixteen years of age.
- (3) Subject to subsection 4, in addition to the requirements mentioned in subsections 1 and 2, an applicant for any class of structural exterminator's licence shall meet the requirements of section 29.
- (4) An applicant for any class of exterminator's licence to perform exterminations on his own premises or the premises of his employer is exempt from subsection 1. O. Reg. 618/74, s. 6 (2-4)
- (5) Every applicant for an exterminator's licence and every exterminator shall notify the Director of any change in the information furnished in or with his application within ten days after the effective date of the change. O. Reg. 577/76, s. 3 (2).

FEES

- 7.—(1) The fee for each class of an operator's licence, or a renewal of any of them, is \$15.
- (2) The fee for each class of an exterminator's licence, or a renewal of any of them, is \$10.
- (3) The fee for a wholesale vendor's licence, or a renewal thereof, is \$100.
- (4) The fee for a limited wholesale vendor's licence, or a renewal thereof, is \$20
- (5) The fee for a retail vendor's licence Class 1, or a renewal thereof, is \$20.

- (6) The fee for a retail vendor's licence, Class 2, or a renewal thereof, is \$15.
- (7) The fee for a retail vendor's licence, Class 3, or a renewal thereof, is \$10.
- (8) The fee for a licence, or a renewal thereof, shall be submitted with the application for the licence or renewal. O. Reg. 618/74, s. 7
- 8.—(1) An application for a licence mentioned in Column 1 of the Table of section 5, or a renewal thereof, shall be made to the Director.
- (2) An application for a renewal of a licence shall be made in the case of:
- (a) an operator's licence, at least thirty days prior to the expiry date of the licence;
- (b) an exterminator's licence, at least thirty days prior to the expiry date of the licence; and
- (c) a vendor's licence, at least sixty days prior to the expiry date of the licence. O. Reg. 618/74, s. 8.

EXAMINERS

- 9.—(1) The Director shall appoint the examiners of applicants for licences.
- (2) The term of an appointment as an examiner is three years and is subject to cancellation by the Director.

(3) An examiner, other than one who is a Crown employee, shall be paid \$75 and his necessary travelling and other expenses for each day that he is engaged upon his work as an examiner. O. Reg. 618/74, s. 9.

EXAMINATIONS

- 10.—(1) The fee for an examination for each class of licence is \$5 and shall be submitted together with the application.
- (2) An applicant who fails to attend a scheduled examination and fails to notify the Director of his inability to attend at least forty-eight hours before the time fixed for the examination shall forfeit his examination fee and be required to pay a new examination fee.
- (3) Notwithstanding subsection 2, an applicant who fails to attend a scheduled examination three times within a six-month period shall forfeit his examination fee and, if required by the Director, shall submit a new application for the licence.
- (4) An applicant for a licence shall be given at least seven days notice of the date, time and place fixed for his examination.



Examiners shall be permitted to try an examination for a licence as an operator or for the same class of exterminator's licence more than twice in any period of twelve months. O. Reg. 618/74, s. 10.

#### EXTERMINATOR'S LICENCE

- 11.—(1) An oral examination for any class of exterminator's licence shall be given by at least two examiners.
- (2) An examination of an applicant for a licence to perform any class of structural exterminations shall be an oral examination.
- (3) An examination of an applicant for a licence to perform any class of land or water exterminations may be a written or oral examination, or both.
- (4) At least one examiner or a person designated by the examiners shall be present at a written examination.
- (5) The examiners shall examine the applicant for any class of exterminator's licence on his knowledge of,
- (a) the provisions of the Act and the regulations thereunder;

- (b) the toxicity and hazard, first-aid and antidotes and the forms and methods of application of the pesticide or pesticides that the prescribed class of licence for which the applicant is applying shall entitle him to use; and
- (c) the identification, life history, habits, characteristics and control of pests that may be subject to extermination. O. Reg. 618/74, s. 11.

12.—(1) The Director may require an applicant for renewal of any class of exterminator's licence to pass an examination before renewing the licence.

- (2) When so required by the Director, an applicant for renewal of any class of exterminator's licence shall provide the Director with a report of a legally qualified medical practitioner establishing that the applicant is physically fit for the purpose of performing exterminations. O. Reg. 618/74, s. 12.

#### OPERATORS' LICENCES

13.—(1) An operator's licence, of the class prescribed in Column 1 of the following Table, is authority to operate an extermination business set out in Column 2 thereof:

TABLE

ITEM	COLUMN 1		COLUMN 2
	Class of Operator's Licence		Extermination Business
1	1	2	Structural, land and water exterminations
2	2	3	Structural and land exterminations
3	3	4	Structural and water exterminations
4	4	5	Land and water exterminations
5	5	6	Structural exterminations
6	6	7	Land exterminations
7	7		Water exterminations

(2) Every operator's licence shall have endorsed thereon the class of operator's licence for which it has been issued. O. Reg. 618/74, s. 13.

14.—(1) Every applicant for an operator's licence or a renewal thereof shall submit such information and material as the Director may require with respect to the character, qualifications and financial responsibility of the applicant or where the applicant

is a corporation, with respect to the character and qualifications of the directors and officers of the applicant and the financial responsibility of the applicant.

(2) Where several persons intend to operate an extermination business in association with each other under the authority of one operator's licence, it is a requirement for the licence that each of such persons signs the application for the licence.

(3) Where the applicant is a corporation it shall designate on Form 2 the directors or officers who are the Official Representatives of the corporation and whose duty it is to ensure that the Act and the regulations thereunder are complied with and who shall sign the application.

(4) Every operator shall notify the Director of any change in the information furnished in Form 2 or pursuant to section 17 within ten days after the effective date of the change. O. Reg. 577/76, s. 4.

15.—(1) Upon receiving the application in Form 2, the Director may require the applicant to undergo an oral examination.

(2) If an examination mentioned in subsection 1 is required by the Director, the notice mentioned in subsection 4 of section 10 shall set out any information or evidence in respect of the qualifications of the applicant to operate an extermination service that the Director may require him to produce. O. Reg. 618/74, s. 15 (1, 2).

(3) Where the applicant is a corporation, any examination required under subsection 1 shall be taken by the Official Representative or Representatives of the applicant designated under subsection 3 of section 14. O. Reg. 577/76, s. 5.

(4) At least three examiners shall examine an applicant for an operator's licence. O. Reg. 618/74, s. 15 (4).

16. An applicant for any class of operator's licence or a renewal thereof shall satisfy the Director that he is at least eighteen years of age or, in the case of a corporation that the Official Representatives are each at least eighteen years of age. O. Reg. 577/76, s. 6.

17.—(1) Subject to subsection 2, the Director may require an applicant for any class of operator's licence or renewal thereof to appear before him and submit evidence and information respecting the qualifications of the applicant and any other person involved in the control and management of the extermination business.

(2) At least seven days before the appearance mentioned in subsection 1 the applicant shall be given notice of,

(a) the date, time and place fixed for his appearance before the Director; and

(b) the particulars of the information and evidence that the Director may require the applicant to produce. O. Reg. 618/74, s. 17.

18.—(1) Every operator shall employ at least one licensed exterminator for every four or fewer employees who assist in performing exterminations

(2) An operator who carries on business at more than one location shall,

(a) have a licensed exterminator in charge at each location who is normally present at least once during each business day;

(b) notify the Director of the address of each location and the name of the licensed exterminator in charge at each location; and

(c) notify the Director of any change in the information furnished under clause b within ten days after the effective date of the change. O. Reg. 618/74, s. 18

#### INSURANCE REQUIREMENTS

19.—(1) An operator shall carry insurance in a form approved by the Superintendent of Insurance of the Province of Ontario for every extermination business carried on by him with respect to the liability of the operator and all of his employees arising out of any extermination business carried on by him for death, injury or property damage. O. Reg. 577/76, s. 7

(2) Subject to subsection 3, where an operator carries on an extermination business, the liability coverage provided by the contract of insurance required under subsection 1 shall be in an amount of not less than \$25,000 to each employee of the operator provided that the contract of insurance may limit the insurer's liability under the contract of insurance arising out of any one incident to \$50,000

(3) Where an operator furnishes satisfactory evidence that his business is subject to Part 1 of *The Workmen's Compensation Act* and that he is paying all amounts due under Part 1 of *The Workmen's Compensation Act* as they fall due then so long as he continues to pay all such amounts as they fall due and to comply with all the provisions of *The Workmen's Compensation Act* he is exempt from subsection 2.

(4) Where an operator carries on an extermination business for which he is the holder of a Class 1, 2, 3 or 5 operator's licence, the contract of insurance required under subsection 1 shall provide coverage in an amount of not less than,

(a) \$300,000 with respect to the death of or bodily injury to any person not an employee of the operator for each such person provided that the contract of insurance may limit the insurer's liability under the contract of insurance arising out of any one incident to \$500,000; and

(b) \$200,000 with respect to property damage arising out of any one incident.

## CLASSES OF PESTICIDES

20. For the purposes of the Act and this Regulation pesticides are classified as follows:

- (a) the pesticides set out in Schedule 1 are classified as Schedule 1 pesticides;
- (b) the pesticides set out in Schedule 2 are classified as Schedule 2 pesticides;
- (c) the pesticides set out in Schedule 3 are classified as Schedule 3 pesticides;
- (d) the pesticides set out in Schedule 4 are classified as Schedule 4 pesticides;
- (e) the pesticides set out in Schedule 5 are classified as Schedule 5 pesticides; and
- (f) the pesticides set out in Schedule 6 are classified as Schedule 6 pesticides. O. Reg. 618/74, s. 20; O. Reg. 577/76, s. 8

21.—(1) Subject to subsection 3, no person shall use any pesticide in an extermination unless it is registered under the *Pest Control Products Act* (Canada) and assigned a registration number under that Act and is classified under this Regulation.

(2) Subject to subsection 3, no person shall use in an extermination any pesticide,

- (a) for any purpose other than that for which the pesticide is sold or represented;
- (b) in any manner other than that designated on the conditions of registration; and
- (c) for any purpose other than that for which the pesticide is authorized for use under this Regulation. O. Reg. 618/74, s. 21 (1, 2).

(3) Where a person uses a pesticide in an extermination for the purpose of research or a test,

- (a) by a Research Centre, University or other institution of learning, a professional researcher from industry or the Government of Ontario, the Government of Canada or a person under the supervision or authority of a professional researcher from industry or the Government of Ontario or the Government of Canada, on the premises of such centre or institution, or on experimental premises obtained for this purpose; or

(b) where approval of the extermination has been obtained from the Director at least seven days before the extermination is performed.

(5) Where an operator carries on an extermination business for which he is the holder of a Class 4, 6 or 7 operator's licence and is not the holder of a Class 1, 2, 3 or 5 operator's licence, the contract of insurance required under subsection 1 shall provide coverage in an amount of not less than:

- (a) \$100,000 with respect to the death or bodily injury to any person not an employee of the operator for each such person provided that the contract of insurance may limit the insurer's liability under the contract of insurance arising out of any one incident to \$200,000; and
- (b) \$10,000 with respect to property damage arising out of any one incident.

(6) The contract of insurance required under subsection 1 may provide that the insured shall be responsible for the first \$250 of each claim for which an amount of coverage is required under subsections 4 and 5.

(7) Where a contract of insurance required by subsection 1 limits the insurer's liability to an aggregate amount, except as permitted by subsections 2, 4 and 5, the contract shall contain a provision requiring the insurer to notify the Director of all sums of money paid by reason of the liability of the insured.

(8) Where an operator has a contract of insurance which is required to have the provision referred to in subsection 7, the operator shall advise the Director of all sums of money paid under the contract of insurance.

(9) Every contract of insurance furnished in satisfaction of the requirements of this section shall provide that:

- (a) the insurer shall give fifteen days notice by registered mail to the Director prior to any cancellation of the contract by the insurer or the insured taking effect;
- (b) the contract of insurance shall remain in full force and effect until the notice provided for in clause a has expired; and

(c) the insurer shall pay any claims covered by the contract of insurance to any person making such a claim who has recovered a judgment thereon notwithstanding any act or default of the insured which might make the policy void or give the insured a defence to an action by the insured provided that such provision shall not limit the insurer's right to recover any payment so made from the insured. O. Reg. 618/74, s. 19 (2-9).

he is exempt from subsections 1 and 2 and from subsection 1 of section 4 and subsection 1 of section 6 of the Act for that extermination. O. Reg. 577/76, s. 9.

(4) Where an extermination is performed under subsection 3, the crop, if any, remaining at the conclusion of the research or test shall be destroyed by the person responsible for the extermination unless an alternative method for the disposal of the crop is approved by the Director.

(5) Notwithstanding subsection 1 and subject to subsections 2 and 7, an agriculturist may use on his farm land an imported pesticide that is identical with both a pesticide registered under the *Pest Control Products Act* (Canada) and a pesticide classified under this Regulation.

(6) Every pesticide imported by an agriculturist for use on his farm land is prescribed for the purpose of subsection 1 of section 6 of the Act.

(7) An agriculturist shall not use a pesticide mentioned in subsection 6 unless he has applied for a permit in Form 3 and is the holder of a permit for the land extermination. O. Reg. 618/74, s. 21 (4-7).

22. No person shall use water from a lake, river or other surface water in performing exterminations unless the equipment used in the extermination is equipped with an effective device to prevent back-flow. O. Reg. 618/74, s. 22.

23. No person shall wash any equipment used to perform an extermination in any lake, river or other surface water or in such a manner that any pesticide may be directly or indirectly discharged or deposited in any lake, river or other surface water. O. Reg. 618/74, s. 23.

## CONTAINERS

24.—(1) No person, other than a wholesale vendor or a limited wholesale vendor, shall have in his possession a pesticide other than in the container in which it was originally offered for sale.

(2) Subsection 1 does not apply to a person,

- (a) who is performing an extermination in accordance with the Act and this Regulation; or

(b) who places the pesticide into a secondary container of a type and composition that is customarily used or approved by the manufacturer of the pesticide for that pesticide.

and bears a label in English denoting the trade name or common name and concentration of each active ingredient in the pesticide product. O. Reg. 618/74, s. 24.

25.—(1) Subject to subsection 2, an empty container that has been used to hold a Schedule 1, 2 or 5 pesticide shall be disposed of by puncturing or breaking and burying the container in such a manner that it is covered by at least eighteen inches of soil and is not near any watercourse or water table.

(2) An empty container that has been used to hold a Schedule 1, 2 or 5 pesticide need not be disposed of if it has been decontaminated in a manner approved by the Director. O. Reg. 618/74, s. 25.

26. Where the original container of a Schedule 1, 2 or 5 pesticide is damaged or broken, the person responsible for the pesticide shall, under the direction of the person who has registered the pesticide under the *Pest Control Products Act* (Canada), and to the satisfaction of the Director,

- (a) replace the container with a container equivalent to that originally used; or
- (b) dispose of the container and its contents by burying them under eighteen inches of soil in such a manner that they are not near any watercourse or water table; and
- (c) clean up any spillage and decontaminate any area, carrier or commodity that has come in contact with the pesticide. O. Reg. 618/74, s. 26.

## FIRES, ACCIDENTS, THEFTS

27.—(1) If a pesticide is involved in a fire or other occurrence that may result in the pesticide being released into the environment other than in the normal course of affairs, the person responsible for a pesticide shall forthwith notify the Director.

(2) The person responsible for a pesticide shall forthwith notify the Director whenever any pesticide is stolen or otherwise passes out of his possession or control other than in the normal course of his affairs. O. Reg. 577/76, s. 10.

## STRUCTURAL EXTERMINATIONS

28.—(1) A structural exterminator's licence of the class prescribed in Column 1 of the following Table is authority to use a pesticide prescribed in Column 2 thereof under the conditions of use set out in Column 3 thereof:



ITEM	COLUMN 1 Class of Structural Exterminator's Licence	COLUMN 2 Pesticide Authorized for Use	COLUMN 3 Conditions of Use
1	1	Schedules 1, 2, 3, 4, 5 and 6	Any structural use except termite control
2	2	(a) Schedules 2, 3, 4 and 6 (b) Schedules 1 and 5	Any structural use except termite control Assisting Class 1 Structural Exterminator
3	3	(a) Schedules 3, 4 and 6 (b) Schedule 2	Any structural use except termite control Assisting Class 2 Structural Exterminator
4	4	(a) Schedules 3, 4 and 6	Assisting Class 3 Structural Exterminator
5	5	(b) Pesticide(s) stipulated on licence Pesticide(s) stipulated on licence	Assisting Class 5 or Class 6 Structural Exterminator Control of termites and other wood-destroying insects
6	6	Pesticide(s) stipulated on licence	Use, premises and equipment stipulated on licence

O. Reg. 618/74, s. 28 (1); O. Reg. 577/76, s. 11.

(2) Every structural exterminator's licence shall have endorsed thereon the class of exterminator's licence for which it has been issued. O. Reg. 618/74, s. 28 (2).

STRUCTURAL EXTERMINATOR'S  
LICENCE REQUIREMENTS

29.—(1) An applicant for a Class 1 structural exterminator's licence is required to,

- (a) be licensed as a Class 2 structural exterminator at the time of his application, and have assisted a Class 1 structural exterminator for a minimum period of six months; or
- (b) satisfy the Director that he has sufficient knowledge and experience to be licensed as a Class 1 structural exterminator.

(2) An applicant for a Class 2 structural exterminator's licence is required to,

- (a) be licensed as a Class 3 structural exterminator at the time of his application, and to have assisted a Class 2 structural exterminator for a minimum period of six months; or
- (b) satisfy the Director that he has sufficient knowledge and experience to be licensed as a Class 3 structural exterminator.

(5) An applicant for a Class 6 structural exterminator's licence is required to,

- (a) have been licensed as a Class 4 structural exterminator at the time of his application and to have assisted a Class 6 structural exterminator for a minimum period of six months; or
- (b) satisfy the Director that he has sufficient knowledge and experience to be licensed as a Class 6 structural exterminator. O. Reg. 618/74, s. 29.

GENERAL REQUIREMENTS FOR  
STRUCTURAL EXTERMINATION PERMITS

30.—(1) A structural extermination by means of a Schedule 1, 2, 3 or 5 pesticide is prescribed for the purpose of subsection 1 of section 6 of the Act.

(2) Subject to section 33, an application for a permit for a structural extermination by means of a pesticide mentioned in subsection 1 shall be in Form 10. O. Reg. 618/74, s. 30.

31.—(1) A holder of any class of structural exterminator's licence authorized to use a Schedule 2 or 3 pesticide is exempt from subsection 1 of section 6 of the Act for the structural extermination by means of that pesticide.

(2) Any person exempt from the licensing requirement of subsection 1 of section 4 of the Act for a structural extermination by means of a Schedule 2 or 3 pesticide is also exempt from subsection 1 of section 6 of the Act for that extermination. O. Reg. 618/74, s. 31.

STRUCTURAL EXTERMINATION USE  
AND PERMIT REQUIREMENTS FOR  
METHYL BROMIDE, ALUMINUM  
PHOSPHIDE AND CYANIDE COMPOUNDS

32.—(1) Sections 33 to 41, both inclusive, apply to structural exterminations in which any Schedule 1 or 5 pesticide containing methyl bromide or cyanide compounds is used.

(2) Sections 33, 34, 37, 38, 39 and 40 and subsections 1, 4 and 5 of section 41 apply to structural exterminations in which any Schedule 1 or 5 pesticide containing aluminum phosphide is used in a general space fumigation of a building or a portion thereof. O. Reg. 577/76, s. 12.

33.—(1) An application for a permit for a structural extermination by means of a pesticide mentioned in section 32 shall be in Form 4. O. Reg. 618/74, s. 33 (1).

(2) Every applicant for a permit mentioned in subsection 1 shall,

- (a) be licensed as a Class 1 structural exterminator, or

(b) be licensed as a Class 5 or 6 structural exterminator and authorized to use the pesticide mentioned in the application for the permit. O. Reg. 618/74, s. 33 (2); O. Reg. 577/76, s. 13.

34.—(1) At least twenty-four hours before but not more than seven days before performing an extermination with a pesticide mentioned in section 32, the exterminator shall deliver a notice in writing,

- (a) to every occupant eighteen years of age and over in the building or vehicle or on the land where the extermination is to be performed;
- (b) to at least one occupant eighteen years of age or over,
- (i) of every building adjoining the building where the extermination is to be performed, and
- (ii) of every building so located that the extermination constitutes an actual or potential hazard to its occupants; and
- (c) to the nearest police and fire department having jurisdiction where the structural extermination is to be performed.

(2) Clause a of subsection 1 does not apply to a commercial or industrial building where notice has been given to the owner of the building or his representative

(3) Every notice under subsection 1 shall set out,

- (a) the address where the extermination is to be performed;
- (b) that there is danger of poisonous gas;
- (c) the date when it is proposed to perform the extermination;
- (d) that occupants are to vacate and remain out of the buildings, vehicles or lands during the periods of extermination and airing-out; and
- (e) such other information as the Director may require.

(4) The exterminator shall ensure that the buildings, vehicles or lands referred to in this section are unoccupied during the periods of extermination and airing-out.

(5) Within seven days after the extermination has been completed, the exterminator shall so notify the Director. O. Reg. 618/74, s. 34.

35. When the pesticide being used in an extermination is in the form of a gas and is not a warning gas, the exterminator shall release a warning gas with the release of the pesticide. O. Reg. 618/74, s. 35

36. No person shall use a pesticide containing a cyanide compound for an extermination in any building or vehicle where the pesticide may come in contact with the waters of any stream, lake or water flowing into any stream or lake. O. Reg. 618/74, s. 36.

37. Before an extermination is performed by means of a pesticide mentioned in section 32 in a building or vehicle the exterminator shall,

(a) seal all openings into the area in which the extermination is to be performed, including drains, ducts, vents and cracks in a manner sufficient to make the area gas-tight; and

(b) remove from the area all water and food likely to absorb the gas being used. O. Reg. 618/74, s. 37.

38.—(1) Before performing an extermination by means of a pesticide mentioned in section 32, the exterminator shall post a placard at least fourteen inches long and ten inches wide,

(a) at all entrances to the building or vehicle and land on which the extermination is to be performed and bearing the word "danger" in red letters at least 2½ inches high on a white background and indicating that an extermination is being performed on the premises and setting out the name of the exterminator and his emergency telephone number; and

(b) at all entrances to buildings designated in clause b of subsection 1 of section 34 bearing the word "danger" in green letters at least 2½ inches high on a white background and indicating that an extermination is being performed in an adjoining building.

(2) The exterminator shall ensure that the placards posted under subsection 1 are illuminated from sundown to sunrise. O. Reg. 618/74, s. 38 (1, 2).

39. The exterminator shall ensure that no placard is removed and the building or vehicle is not reoccupied until the airing-out is completed. O. Reg. 577/76, s. 14.

39.—(1) The exterminator shall ensure that no person enters or remains in a building or vehicle where an extermination is being or has been performed using a pesticide mentioned in section 32 until the airing-out is completed in accordance with section 41 except

(b) a provincial officer designated under the Act;

(c) a full-time fire fighter as defined in *The Fire Departments Act*; or

(d) a member of any police force established under *The Police Act*.

(2) During the period mentioned in subsection 1 the exterminator shall

(a) lock all doors and entrances to the building or vehicle; and

(b) post adult guards in a manner sufficient to prevent any person, other than those mentioned in subsection 1, from entering the building or vehicle. O. Reg. 618/74, s. 39.

40. The exterminator shall ensure that no person mentioned in subsection 1 of section 39 enters or remains in the building or vehicle after an extermination therein is commenced and before the airing-out is completed under section 41 unless he employs adequate respiratory protection and he is accompanied by at least one other adult person mentioned in subsection 1 of section 39 similarly protected. O. Reg. 577/76, s. 15

41.—(1) Where an extermination by means of a pesticide mentioned in section 32 is completed, the exterminator shall,

(a) remove and bury under at least eighteen inches of soil, and not near any water-course or water table, all substances used for the extermination or for sealing openings;

(b) circulate fresh air to every air space in the buildings or vehicles described in section 34; and

(c) make the test prescribed in subsection 2, 3 or 4, as the case may be.

(2) Where a pesticide containing methyl bromide is used in the extermination, the exterminator shall make tests by means of a halide-leak detector for the detection of the presence of methyl bromide gas at the floor level of each room, basement, closet, attic and any other enclosed space in the building or vehicle in which the extermination was performed. O. Reg. 618/74, s. 41 (1, 2).

(3) Where a pesticide containing a cyanide compound is used in the extermination, the exterminator shall make tests for the detection of the presence of hydrocyanic acid gas in the building or vehicle in which the extermination was performed by means of glass detector tubes used for determining concentrations of hydrocyanic acid

(a) each wall in every room, closet or other enclosed space;

(b) each floor and wall in the basement; and

(c) each ceiling and wall of every attic room.

(4) Where a pesticide containing aluminum phosphide is used in the extermination, the exterminator shall make tests for the detection of the presence of phosphine gas in the building or vehicle in which the extermination was performed by means of glass detector tubes used for determining the concentrations of phosphine gas.

(5) The airing-out of the building or vehicle is not completed,

(a) where a pesticide containing methyl bromide has been used and the flame of the halide-leak detector changes to a greenish colour;

(b) where a pesticide containing a cyanide compound has been used and a reaction shows in detector tubes to ten or more PPM of hydrocyanic acid gas; or

(c) where a pesticide containing aluminum phosphide has been used and a reaction shows in detector tubes to 0.3 PPM or more of phosphine gas. O. Reg. 577/76, s. 16.

(6) During the extermination and until the airing-out is completed in accordance with this section, no person shall move the vehicle, if any, without the permission of the Director. O. Reg. 618/74, s. 41 (6).

#### METHYL BROMIDE, ALUMINUM PHOSPHIDE AND CYANIDE COMPOUNDS PERMIT EXEMPTIONS

42.—(1) Subject to subsection 3, where an exterminator engages in an extermination by means of a pesticide mentioned in section 32, in an enclosed space or vault that,

(a) is gas tight; and

(b) where the enclosed space or vault is inside or opens into a building, is equipped in accordance with subsection 2,

and if the exterminator,

(c) has adequate respiratory protection on his person during the extermination;

(d) before a gas is released, searches the enclosed space or vault to ensure that it contains no person;

(e) locks the door by a padlock and keeps the keys in his possession;

(f) is present during the airing-out period; and

(g) performs the tests prescribed in subsections 2, 3 and 4 of section 41, as the case may be, to determine whether the airing-out period is completed,

he is exempt from subsection 1 of section 6 of the Act and from sections 34, 37, 39 and 40 of this Regulation for that extermination. O. Reg. 618/74, s. 42 (1); O. Reg. 577/76, s. 18.

(2) The enclosed space or vault that is inside or opens into a building, mentioned in subsection 1, shall be equipped with,

(a) a sheet metal lining having soldered joints and covering the walls and ceilings or any other lining that is equivalent in the opinion of the Director;

(b) a concrete floor or wooden floor of which the joints are made gas-tight;

(c) a rubber gasket around the perimeter of all doors;

(d) an exhaust fan controlled by a switch from outside the enclosed space or vault capable of giving ten changes of air per hour and discharging exhaust gases into outside atmosphere at a point removed from any door, windows or openings; and

(e) provision to introduce gas from outside the enclosed space or vault.

(3) Before the initial use for an extermination of the enclosed space or vault mentioned in subsection 1, the exterminator shall notify the Director and shall not proceed with the extermination until the Director has approved the construction and equipment of the enclosed space or vault as required by this section. O. Reg. 618/74, s. 42 (2, 3).

43.—(1) Where an exterminator engages in an extermination by means of a pesticide containing methyl bromide and the gas is enclosed under a gas-tight covering and the extermination takes place,

(a) outside a building while,

(i) the exterminator and at least one other exterminator is present during the airing-out, and

(ii) all persons present during the introduction of the gas, and airing-out period employ adequate respiratory protection; or

(b) inside a building that is separate from any other building and,



USE RESTRICTIONS OF THALLIUM SULPHATE,  
STRYCHNINE AND ZINC PHOSPHIDE

44. No pesticide containing thallium sulphate, strychnine or zinc phosphide shall be used for an extermination.

- (a) in a room while it is being used for human habitation;
- (b) in an area to which entry by any person cannot be barred; or
- (c) in such a manner as to come in contact with or be likely to come in contact with food or drink intended for human or animal consumption. O. Reg. 618/74, s. 44.

45. Where a pesticide mentioned in section 44 is used in a structural extermination, the exterminator shall:

- (a) keep, during the period of extermination, a record of the number and location of the baits used in the extermination; and
- (b) remove every bait from the area when the extermination is completed. O. Reg. 618/74, s. 45.

USE RESTRICTIONS OF LINDANE

46. (1) Where lindane in the form of a vapour is used in an extermination in a building while the building is occupied,

- (a) the building shall not be sealed so as to impede the normal change of air; and
  - (b) the amount of vapour released in a twenty-four hour period shall not exceed the amount produced by one gram of lindane for each 15,000 cubic feet of space in the room in which the vapour is generated.
- (2) No person shall release lindane in the form of a vapour in an extermination at a rate greater than that set out in clause b of subsection 1 unless,

- (a) the area in which the extermination is performed is vacant from the time the vapour is released until the area has been aired out by free circulation of air for one hour; and
  - (b) all surfaces in the area likely to come into contact with food are washed.
- (3) No person shall use a lindane vapourizer,
- (a) where any food is prepared, stored or served; or
  - (b) in any rooms which are occupied by a person. O. Reg. 618/74, s. 46.

- (i) no person other than persons engaged in the extermination is present during the extermination and airing-out;
- (ii) no part is used for human habitation;
- (iii) the exterminator and at least one other exterminator is present during the introduction of gas and airing-out; and
- (iv) all persons present during the introduction of the gas and airing-out period employ adequate respiratory protection.

he is exempt from subsection 1 of section 6 of the Act and sections 34, 37, 39 and 40 of this Regulation for that extermination. O. Reg. 618/74, s. 43; O. Reg. 577/76, s. 19 (1, 2).

(2) Where an exterminator is engaged in the extermination of rodents in burrows in the ground by the use of a Schedule 1 or 5 pesticide containing aluminum phosphide or a cyanide compound and,

- (a) the burrows do not open into a building; and
  - (b) the exterminator has adequate respiratory protection on his person during the extermination,
- he is exempt from subsection 1 of section 6 of the Act and sections 34, 37, 38, 39, 40 and 41 of this Regulation for that extermination.

(3) Where an extermination of a commodity is performed in a railway car, shipping container, truck, storage bin or under a gas-tight plastic tarpaulin by means of a Schedule 1 or 5 pesticide containing aluminum phosphide, the exterminator is exempt from subsection 1 of section 6 of the Act, and from sections 34, 38, 39, 40 and 41 of this Regulation for that extermination, but he shall,

- (a) perform the extermination other than in a room which is used for human habitation;
- (b) have adequate respiratory protection on his person; and
- (c) post a placard at least fourteen inches long and ten inches wide at all entrances to the building or vehicle on which the extermination is to be performed and bearing the word "danger" in red letters at least 2½ inches high on a white background and indicating that an extermination is being performed on the premises. O. Reg. 577/76, s. 19 (3)

USE RESTRICTIONS OF SCHEDULE 1, 2 OR 5  
PESTICIDES AS A SUSPENSION IN AIR

47. No exterminator shall use a Schedule 1, 2 or 5 pesticide as a suspension in air in a structural extermination unless he is accompanied by at least one other adult person. O. Reg. 618/74, s. 47.

48.—(1) Before a structural extermination is performed by means of a Schedule 1, 2 or 5 pesticide as a suspension in air the exterminator shall,

- (a) lock from the outside all doors, except one leading into the building in which the extermination is to be performed;
- (b) post on the outside of all doors leading into the building a placard,
  - (i) that is at least fourteen inches long and ten inches wide; and
  - (ii) that bears the words "danger—poisonous substances being used inside" in red block letters at least 2½ inches in height on a white background; and
- (c) ensure that the building is vacant.

(2) After a Schedule 1, 2 or 5 pesticide as a suspension in air is released in a building, the exterminator shall lock the door except in clause a of subsection 1. O. Reg. 618/74, s. 48.

49. An exterminator who performs an extermination in a building by means of a Schedule 1, 2 or 5 pesticide as a suspension in air shall not permit any person to enter the building until the building is free of the pesticide as a suspension in air. O. Reg. 618/74, s. 49.

50. When a structural extermination by means of a Schedule 1, 2 or 5 pesticide as a suspension in air is completed, the exterminator shall forthwith bury all material being discarded under at least eighteen inches of soil in such a manner as not to be near any surface water or water table. O. Reg. 618/74, s. 50.

USE RESTRICTIONS OF SPOT FUMIGANTS

51. Where an extermination is performed by means of a pesticide containing ethylene dichloride, ethylene dibromide or carbon tetrachloride, the exterminator shall,

- (a) perform the extermination other than in a room which is used for human habitation,
- (b) employ adequate respiratory protection;
- (c) exclude all persons not engaged in the extermination from the area during the extermination.

(d) be accompanied by at least one other person employing adequate respiratory protection; and

(c) post a placard at least fourteen inches long and ten inches wide at all entrances to the building or vehicle and land on which the extermination is to be performed and bearing the word "danger" in red letters at least 2½ inches high on a white background and indicating that an extermination is being performed on the premises. O. Reg. 577/76, s. 20.

52. Where a person performs an extermination in a building or enclosure by means of a pesticide containing chloropicrin, he shall ensure that,

- (a) no person is in the building or any adjoining building;
- (b) adequate respiratory protection is on his person at all times; and
- (c) the building or enclosure is free from chloropicrin before any other person is allowed to enter. O. Reg. 618/74, s. 52; O. Reg. 577/76, s. 21.

STRUCTURAL EXTERMINATION LICENCE  
EXEMPTIONS

53. Where a person,

- (a) is a householder and performs an extermination in the house which he occupies; or
- (b) is a tenant of an apartment or flat which he has rented and performs an extermination in the apartment or flat occupied by him,

by means of a Schedule 3 pesticide, the householder or tenant, as the case may be, is exempt from subsection 1 of section 4 of the Act for that extermination. O. Reg. 618/74, s. 53.

54.—(1) Where a person performs an extermination by means of a Schedule 4 or 6 pesticide on premises owned or occupied by him or by a person of whom he is the full-time employee, he is exempt from subsection 1 of section 4 of the Act for that extermination.

(2) Subsection 1 applies in respect of an extermination of a tenanted apartment in an apartment building only if the person who performs the extermination is the tenant. O. Reg. 577/76, s. 22.

55.—(1) Where a person performs an extermination on animals within a farm structure by means of a Schedule 3, 4 or 6 pesticide and is licensed as a Class 5 or 10 land exterminator authorized to use the pesticide being used in the extermination, he is exempt from being licensed as a structural exterminator for such extermination.

65.—(1) The extermiator shall ensure that after an extermination using a pesticide mentioned in section 62 is commenced, all doors and entrances to farm structures in which the extermination is being performed are locked. O. Reg. 618/74, s. 65 (1).

(2) Every land extermiator's licence shall have endorsed thereon the class of land extermiator's licence for which it has been issued. O. Reg. 618/74, s. 59 (2).

GENERAL PERMIT REQUIREMENTS FOR LAND EXTERMINATION

(2) The extermiator shall ensure that no person shall enter the farm structure after the extermination therein is commenced and before the airing-out is completed so that a safety hazard no longer exists, unless,

66.—(1) A land extermiator by means of a Schedule 1, 2, 3 or 5 pesticide is prescribed for the purpose of subsection 1 of section 6 of the Act,

(a) he employs adequate respiratory protection; and

(2) Subject to subsection 2 of section 66, an application for a permit for a land extermination by means of a pesticide mentioned in subsection 1 shall be in Form 10. O. Reg. 618/74, s. 60.

(b) he is accompanied by at least one other adult person similarly equipped. O. Reg. 618/74, s. 65 (2); O. Reg. 577/76, s. 26

61.—(1) Subject to subsection 3 and section 66, a holder of any class of land extermiator's licence authorized to use a Schedule 1, 2, 3 or 5 pesticide is exempt from subsection 1 of section 6 of the Act for that extermination.

(2) Subject to subsection 3 and section 66, any person exempt from subsection 1 of section 4 of the Act for a land extermination by use of a Schedule 1, 2, 3 or 5 pesticide is also exempt from subsection 1 of section 6 of the Act for that extermination.

(3) No person shall perform a land extermination by means of a pesticide containing picloram unless he is a holder of a permit for the land extermination issued by the Director. O. Reg. 618/74, s. 61.

LAND EXTERMINATOR'S USE REQUIREMENTS FOR METHYL BROMIDE AND CYANIDE COMPOUNDS

62. Sections 63, 64 and 65 apply to land exterminations by means of any Schedule 1 pesticide containing methyl bromide or cyanide compounds. O. Reg. 618/74, s. 62.

63. Before commencing exterminations with a pesticide mentioned in section 62 in a farm structure, which is deemed to be a land extermination for the purpose of this section, the extermiator shall deliver a notice to the nearest police and fire department having jurisdiction where the land extermination is to be performed setting out,

(a) the address where the extermination is to be performed;

(b) the pesticide to be used; and

(c) the time periods during which the exterminations are to be performed. O. Reg. 618/74, s. 63.

64. Before beginning an extermination using a pesticide mentioned in section 62, the extermiator shall post a placard at the immediate site in or on which the extermination is to be performed bearing the word "danger" in red letters at least 2 1/4 inches high on a white background, indicating that an extermination is being performed on the premises. O. Reg. 618/74, s. 64.

(b) employs adequate respiratory protection; and

(c) excludes all persons not engaged in the extermination from the room during the extermination.

he is exempt from the permit requirement of subsection 1 of section 6 of the Act and sections 34, 37, 39 and 40 of this Regulation for that extermination. O. Reg. 577/76, s. 24

58. Where a person is the holder of a permit for a structural extermination by means of a Schedule 2 or 3 pesticide, he is exempt from subsection 1 of section 4 of the Act for that extermination. O. Reg. 618/74, s. 58.

56. Where a person is licensed as a Class 10 land extermiator and performs an extermination in a farm structure with a pesticide mentioned in section 32, he is exempt from being licensed as a structural extermiator for that extermination. O. Reg. 618/74, s. 56.

59.—(1) A land extermiator's licence of the class prescribed in Column 1 of the following Table is authority to use the pesticide prescribed in Column 2 thereof under the conditions of use set out in Column 3 thereof.

57. Where an extermiator engages in an extermination in or upon an installation or machinery that is a fixture in a building using a pesticide containing both methyl bromide and a pesticide mentioned in section 51, provided that the methyl bromide does not exceed 30 per cent by weight of the pesticide and the extermiator,

(a) performs the extermination wholly within one room or a group of connected rooms, none of which is used for human habitation;

(a) performs the extermination wholly within one room or a group of connected rooms, none of which is used for human habitation;

LAND EXTERMINATIONS

TABLE

ITEM	COLUMN 1			COLUMN 2			COLUMN 3		
	Class of Land Extermiator's Licence	Pesticide Authorized for Use	Conditions of Use	Class of Land Extermiator's Licence	Pesticide Authorized for Use	Conditions of Use	Class of Land Extermiator's Licence	Pesticide Authorized for Use	Conditions of Use
1	1	Schedules 2, 3, 4 and 6 pesticides that are herbicides	Non-agricultural use	1	Schedules 2, 3, 4 and 6 pesticides that are herbicides	Non-agricultural use	1	Schedules 2, 3, 4 and 6 pesticides that are herbicides	Non-agricultural use
2	2	Schedules 3, 4 and 6 pesticides that are herbicides	Non-agricultural use	2	Schedules 3, 4 and 6 pesticides that are herbicides	Non-agricultural use	2	Schedules 3, 4 and 6 pesticides that are herbicides	Non-agricultural use
3	3	Schedules 2, 3, 4 and 6 pesticides other than herbicides	Non-agricultural use	3	Schedules 2, 3, 4 and 6 pesticides other than herbicides	Non-agricultural use	3	Schedules 2, 3, 4 and 6 pesticides other than herbicides	Non-agricultural use
4	4	Schedules 3, 4 and 6 pesticides other than herbicides	Non-agricultural use	4	Schedules 3, 4 and 6 pesticides other than herbicides	Non-agricultural use	4	Schedules 3, 4 and 6 pesticides other than herbicides	Non-agricultural use
5	5	Schedules 2, 3, 4, 5 and 6 pesticides other than herbicides	Agricultural land	5	Schedules 2, 3, 4, 5 and 6 pesticides other than herbicides	Agricultural land	5	Schedules 2, 3, 4, 5 and 6 pesticides other than herbicides	Agricultural land
6	6	Schedules 2, 3, 4 and 6 pesticides that are herbicides	Agricultural land	6	Schedules 2, 3, 4 and 6 pesticides that are herbicides	Agricultural land	6	Schedules 2, 3, 4 and 6 pesticides that are herbicides	Agricultural land
7	7	Schedules 2, 3, 4, 5 and 6 pesticides other than herbicides	From an airborne machine	7	Schedules 2, 3, 4, 5 and 6 pesticides other than herbicides	From an airborne machine	7	Schedules 2, 3, 4, 5 and 6 pesticides other than herbicides	From an airborne machine
8	8	Schedules 2, 3, 4 and 6 pesticides that are herbicides	From an airborne machine	8	Schedules 2, 3, 4 and 6 pesticides that are herbicides	From an airborne machine	8	Schedules 2, 3, 4 and 6 pesticides that are herbicides	From an airborne machine
9	9	Schedules 2, 3, 4, 5 and 6 pesticides other than herbicides	Air-blast machines and power dusters	9	Schedules 2, 3, 4, 5 and 6 pesticides other than herbicides	Air-blast machines and power dusters	9	Schedules 2, 3, 4, 5 and 6 pesticides other than herbicides	Air-blast machines and power dusters
10	10	Pesticide(s) stipulated on licence	Use, premises and/or equipment stipulated on licence	10	Pesticide(s) stipulated on licence	Use, premises and/or equipment stipulated on licence	10	Pesticide(s) stipulated on licence	Use, premises and/or equipment stipulated on licence

66.—(1) A holder of any class of land extermiator's licence authorized to use a Schedule 1 or 5 pesticide or a Schedule 2 pesticide containing a hormone-type herbicide on an airborne machine, requires a permit under subsection 1 of section 6 of the Act to perform the extermination authorized by his licence. O. Reg. 618/74, s. 66 (1); O. Reg. 577/76, s. 29.

(2) An application for the permit mentioned in subsection 1 shall be in Form 5. O. Reg. 618/74, s. 66 (2).

67. Where an extermination is performed from an airborne machine, the pilot of the airborne machine shall be the holder of a Class 7 or 8 land extermiator's licence, or the holder of a Class 3 extermiator's licence, which is endorsed for the use of an airborne machine. O. Reg. 577/76, s. 30.

68. Where a land or water extermination with an airborne machine is performed using a Schedule 1 or 2 or 5 pesticide,

(a) the pesticide shall not be in a dust formulation; and

(b) the pilot of the machine shall not assist in the loading of the machine with the pesticide or otherwise expose himself to contact with it. O. Reg. 618/74, s. 68.

(c) Reg. 577/76, s. 31



time of only one piece of pesticide application equipment normally used on his own farm land, he is exempt from subsection 1 of section 4 of the Act for that extermination.

(2) Subsection 1 does not apply to a person who performs an extermination by means of an airborne machine.

(3) When a person who is an agriculturist and was enrolled with the Ministry as a custom sprayer prior to the 31st day of May, 1974, applies for a Class 5 or 6 land exterminator's licence, he is exempt from subsections 1 and 2 of section 6. O. Reg. 577/76, s. 35.

74. Where an inspector under *The Bees Act* is engaged in destroying bees by extermination under the authority of that Act by means of a Schedule 1 pesticide containing methyl bromide or a cyanide compound and:

- (a) employs adequate respiratory protection;
- (b) performs the extermination in open air;
- (c) prevents all persons from coming into contact with the poisonous gases; and
- (d) remains at the site of the extermination during the time that any poisonous gases are present,

he is exempt from subsection 1 of section 4 of the Act and from sections 63, 64 and 65 of this Regulation for that extermination. O. Reg. 618/74, s. 74; O. Reg. 577/76, s. 36.

75. Where a person uses a Schedule 1 pesticide containing a cyanide compound on his own property or the property of his employer for,

- (a) killing diseased colonies of bees;
- (b) killing a fur-bearing animal held under a licence issued pursuant to *The Fur Farms Act*; or
- (c) killing unwanted chicks,

he is exempt from subsection 1 of section 4 of the Act and sections 63, 64 and 65 of this Regulation for that extermination. O. Reg. 618/74, s. 75.

76. (1) Where an area weed inspector under *The Weed Control Act*, in accordance with his duties under that Act, performs a land extermination by means of a Schedule 2, 3, 4 or 6 pesticide that is a herbicide and uses a compressed-air hand sprayer or equipment no larger than that commonly called a knapsack sprayer, he is exempt from subsection 1 of section 4 of the Act for that extermination.

(2) A municipality which performs a land extermination for another municipality by means of a

subection 2 of section 4 of the Act for that extermination. O. Reg. 577/76, s. 37.

77.-(1) Where an exterminator is licensed as a Class 1, 2, 3 or 6 structural exterminator and performs an extermination on animals on farm land, he is exempt from being licensed as a land exterminator for that extermination. O. Reg. 618/74, s. 77 (1); O. Reg. 577/76, s. 38 (1).

(2) Where an exterminator is licensed as a Class 1, 2, 3 or 6 structural exterminator and performs a land extermination for mammalian, avian or insect pests,

(a) on or near a waste disposal site defined under *The Environmental Protection Act, 1971*; or

(b) near the building or vehicle where he is performing the structural extermination for the mammalian, avian or an insect pest,

he is exempt from being licensed as a land exterminator for that extermination. O. Reg. 618/74, s. 77 (2); O. Reg. 577/76, s. 38 (2).

78. No operator shall permit a vehicle to be used in transporting or applying a pesticide to be used in connection with a land extermination performed by a person licensed to perform land exterminations as a Class 1, 2, 3, 4, 5, 6, 9 or 10 land exterminator unless a metal identification plate is obtained from

TABLE

ITEM	COLUMN 1	COLUMN 2	COLUMN 3
	Class of Water Exterminator's Licence	Pesticide Authorized for Use	Conditions of Use
1	1	Schedules 2, 3, 4 and 6 pesticides that are herbicides	Water application
2	2	Schedules 2, 3, 4 and 6 pesticides other than herbicides	Water application
3	3	Pesticide(s) stipulated on licence	Use, equipment and/or area to be treated stipulated on licence

O. Reg. 618/74, s. 80 (1); O. Reg. 577/76, s. 42

(2) Every water exterminator's licence shall have endorsed thereon the class of water exterminator's licence for which it has been issued. O. Reg. 618/74, s. 80 (2)

WATER EXTERMINATION PERMIT REQUIREMENTS

81. An application for a permit to perform a water extermination shall be in Form 7. O. Reg. 618/74, s. 81

82. REVOKED. O. Reg. 577/76, s. 43

69.-(1) Every person who operates an airborne machine in performing land or water exterminations shall.

(a) keep a record in Form 6 of each land or water extermination performed by him for a period of one year after the extermination is completed or for such longer period as may be required by the Director in writing; and

(b) if the land or water extermination was performed for an operator, provide a copy of the record mentioned in clause a to the operator after the extermination is completed, and the operator shall keep a copy of the record for one year or for such longer period as may be required by the Director in writing. O. Reg. 577/76, s. 32.

(2) A pilot or operator, as the case may be, shall produce the records mentioned in subsection 1 to a provincial officer when requested by him and, unless provided with a copy of the records, the provincial officer may remove the records, or any portion thereof, in order to make copies. O. Reg. 618/74, s. 69 (2).

LAND EXTERMINATION EXEMPTIONS

70. Where a person performs a land extermination for domestic purposes on land occupied by him by means of a Schedule 3 pesticide, he is exempt from subsection 1 of section 4 of the Act for that extermination. O. Reg. 618/74, s. 70.

71.-(1) Where a person performs a land extermination by means of a Schedule 4 or 6 pesticide on premises owned or occupied by him or by a person of whom he is the full-time employee, he is exempt from subsection 1 of section 4 of the Act for that extermination.

(2) Where a person performs a land extermination by means of a Schedule 3 pesticide on premises to which the public is not admitted and which are owned or occupied by him or by a person of whom he is the full-time employee, he is exempt from subsection 1 of section 4 of the Act for that extermination. O. Reg. 577/76, s. 33.

72. Where an agriculturist performs a land extermination on the farm land on which he is engaged in agricultural or forestry production by means of a Schedule 2, 3, 4, 5 or 6 pesticide, he is exempt from subsection 1 of section 4 of the Act for that extermination. O. Reg. 577/76, s. 34

73.-(1) Where an agriculturist who is enrolled as a custom sprayer with the Ministry and holds a valid certificate of enrolment issued by the Director performs a land extermination on farm land other than his own by means of a Schedule 2, 3, 4, 5 or 6 pesticide by the operation at any given



# WATER EXTERMINATION LICENCE AND PERMIT EXEMPTIONS

83. Where a person performs a water extermination within the boundaries of premises owned or occupied by the person or by a person of whom he is a full-time employee,

- (a) he is exempt from subsection 1 of section 4 of the Act for that extermination; and
- (b) if such water is located wholly within the boundaries of such premises and does not discharge water by any means directly or indirectly, other than by percolation, into a well, lake, river, pond, spring, stream, reservoir or other water or watercourse that is located wholly or partly outside the boundaries of the premises, then he is exempt from subsection 2 of section 6 of the Act for that extermination. O. Reg. 557/76, s. 44.

84. Where a person performs a water extermination for the control of plants that emerge from or float on the surface of the water in a drainage ditch, which at the time of the extermination contains no moving water, and the person uses a Schedule 2, 3, 4 or 6 pesticide that is labelled for that use, he is exempt from subsection 2 of section 6 of the Act for that extermination. O. Reg. 557/76, s. 45.

## VENDOR LICENCES AND REQUIREMENTS

85. The following classes of vendor's licences are prescribed:

1. Wholesale vendor's licence.
2. Limited wholesale vendor's licence.
3. Class 1 retail vendor's licence.
4. Class 2 retail vendor's licence.
5. Class 3 retail vendor's licence. O. Reg. 618/74, s. 85.

86. (1) Subject to subsection 2, an applicant for any class of vendor's licence or renewal thereof shall:

- (a) submit with his application the fee prescribed by section 7 for the class of vendor's licence he is applying for; and
- (b) unless the applicant is a corporation or a partnership, be at least eighteen years of age.

(2) Where the applicant is a corporation or partnership it shall designate on its application the partner, director or officer who is the Official Representative of the corporation or partnership.

as the case may be, who shall be at least eighteen years of age, and shall sign the application and whose duty it is to ensure compliance with the Act and the regulations thereunder.

(3) An applicant for a wholesale vendor's licence or limited wholesale vendor's licence shall submit with his application the name and address of,

- (a) each premise to be covered by the licence; and
- (b) a person responsible for each premise to be covered by the licence whose duty it is to ensure compliance with this Act and the regulations thereunder.

(4) The holder of any class of vendor's licence shall notify the Director in writing of any change in the information submitted under this section within fourteen days of the effective date of the change. O. Reg. 618/74, s. 86.

## WHOLESALE AND LIMITED WHOLESALE VENDOR'S LICENCE REQUIREMENTS

87. A holder of a wholesale vendor's licence or limited wholesale vendor's licence who sells at wholesale from more than one premises does not require a licence for each premise if he has met the requirements of subsections 3 and 4 of section 86. O. Reg. 618/74, s. 87.

88. A holder of a wholesale vendor's licence may sell at wholesale,

- (a) a Schedule 1 or 5 pesticide only to a holder of,
  - (i) a wholesale vendor's licence,
  - (ii) a limited wholesale vendor's licence, or
  - (iii) a Class 1 retail vendor's licence;
- (b) a Schedule 2 pesticide only to a holder of,
  - (i) a wholesale vendor's licence,
  - (ii) a limited wholesale vendor's licence,
  - (iii) a Class 1 retail vendor's licence, or
  - (iv) a Class 2 retail vendor's licence;

(c) a Schedule 3 pesticide only to a holder of,

- (i) a wholesale vendor's licence,
- (ii) a limited wholesale vendor's licence,
- (iii) a Class 1 retail vendor's licence, or
- (iv) a Class 2 retail vendor's licence;

(c) a Schedule 3 pesticide only to a holder of,

- (i) a wholesale vendor's licence,
- (ii) a limited wholesale vendor's licence,
- (iii) a Class 1 retail vendor's licence,
- (iv) a Class 2 retail vendor's licence, or

(v) a Class 3 retail vendor's licence, and

(d) a Schedule 4 or 6 pesticide. O. Reg. 618/74, s. 88; O. Reg. 557/76, s. 46.

89. A holder of a limited wholesale vendor's licence may sell at wholesale only,

- (a) Schedule 4 or 6 pesticides;
- (b) Schedule 3 pesticides that are paints, stains, sealers or wood preservatives provided that no food is prepared, sold or stored on the same premises;
- (c) Schedule 3 pesticides that are disinfectants, cleansers or bactericides;

(d) Schedule 2 or 3 pesticides for drill box treatments of corn seed if the pesticide is sold with the corn seed to be treated and the pesticide is in a dust formulation with no greater than twenty-five per cent concentration of lindane and the package contents do not exceed two ounces in weight; and

(e) Schedule 2 pesticides that are intended for use as bactericides in cutting oil, marine or aviation fuels. O. Reg. 618/74, s. 89; O. Reg. 557/76, s. 47.

## RETAIL VENDOR'S LICENCE REQUIREMENTS

90. Every retail vendor's licence shall be displayed in a prominent place at the premises in respect of which the licence was issued. O. Reg. 618/74, s. 90.

91. Notwithstanding sections 92, 93 and 94, a holder of any class of retail vendor's licence may sell a pesticide which he is authorized to sell at retail to the holder of a permit issued by the Director for an extermination, the pesticide mentioned in the permit in accordance with any terms and conditions contained therein. O. Reg. 618/74, s. 91.

92. The holder of a Class 1 retail vendor's licence may sell at retail,

- (a) a Schedule 1 pesticide only to a licensed exterminator authorized to use such pesticide;
- (b) a Schedule 2 or 5 pesticide only to,

- (i) a licensed exterminator authorized to use such pesticide,
- (ii) an agriculturist, except a pesticide containing picloram, and
- (iii) an area weed inspector designated under *The Weed Control Act*.

(c) a Schedule 3 pesticide only to,

- (i) a licensed exterminator authorized to use that pesticide, and
- (ii) a person exempt from subsection 1 of section 4 of the Act for an extermination by means of that pesticide; and

(d) a Schedule 4 or 6 pesticide. O. Reg. 618/74, s. 92; O. Reg. 557/76, s. 48.

93. A holder of a Class 2 retail vendor's licence may sell at retail,

- (a) a Schedule 2 pesticide only to,
  - (i) a licensed exterminator authorized to use that pesticide,
  - (ii) an agriculturist, except a pesticide containing picloram, and
  - (iii) an area weed inspector designated under *The Weed Control Act*;
- (b) a Schedule 3 pesticide only to,

- (i) a licensed exterminator authorized to use that pesticide, and
- (ii) a person exempt from subsection 1 of section 4 of the Act for an extermination by means of that pesticide; and

(c) a Schedule 4 or 6 pesticide. O. Reg. 618/74, s. 93; O. Reg. 557/76, s. 49.

94. A holder of a Class 3 retail vendor's licence may sell at retail a Schedule 3 or 6 pesticide only to,

- (a) a licensed exterminator authorized to use a pesticide; and
- (b) a person exempt from subsection 1 of section 4 of the Act for an extermination by means of that pesticide.

(c) a Schedule 4 or 6 pesticide. O. Reg. 618/74, s. 94; O. Reg. 557/76, s. 50.

95. A person is exempt from requiring a retail vendor's licence to sell at retail,

- (a) a Schedule 4 pesticide;
- (b) a Schedule 3 or 6 pesticide that is a paint, stain, sealer or wood preservative provided that no food is prepared, sold or stored on the same premises;
- (c) a Schedule 3 or 6 pesticide that is a disinfectant, cleanser or bactericide;

(4) The vendor shall produce any record kept under subsection 1 to a provincial officer when requested by him and the provincial officer may remove such record, or any portion thereof, in order to make copies. O. Reg. 618/74, s. 97 (4).

#### GENERAL STORAGE

98. No person shall store any pesticide in such a manner that the pesticide is likely to come into contact with food or drink intended for human or animal consumption. O. Reg. 618/74, s. 98.

99. Every person responsible for a Schedule 1, 2 or 5 pesticide shall ensure that:

- (a) any room in which the pesticide is stored is ventilated to the outside atmosphere;
- (b) a placard is affixed and maintained on the outside of each door leading into the room in which the pesticide is stored bearing the words "Chemical Storage Warning—Authorized Persons Only" in block letters clearly visible; and
- (c) no person can enter the room in which the pesticide is stored without the express permission of the person responsible. O. Reg. 618/74, s. 99.

#### VENDOR STORAGE

100.—(1) Subject to subsections 2 and 3, every holder of a wholesale vendor's licence or limited wholesale vendor's licence who stores any Schedule 1, 2, 3, 4, 5 or 6 pesticide shall store the pesticide.

- (a) in such manner that the pesticide is not likely to contaminate food or drink intended for human or animal consumption;
- (b) in such a manner that the pesticide is not likely to impair the health or safety of any person;
- (c) in an area that is maintained in a clean and orderly manner and with precautions taken sufficient to prevent the pesticide from contaminating any other pesticide stored in the same area, or the natural environment; and
- (d) in an area that has a warning sign prominently displayed at the entrances thereof indicating the presence of a pesticide. O. Reg. 618/74, s. 100 (1). O. Reg. 577/76, s. 53 (1).

(2) Subject to subsection 3, and in addition to the requirements mentioned in subsection 1, every holder of a wholesale vendor's licence or limited wholesale vendor's licence who stores any Schedule 1, 2 or 5 pesticide shall store the pesticide in an area.

- (a) that has no floor drain that leads into or drains directly or indirectly into a storm sewer, sanitary sewer or watercourse; and
- (b) near which adequate respiratory protection and adequate protective clothing are kept readily available by the licensee for emergency purposes. O. Reg. 618/74, s. 100 (2); O. Reg. 577/76, s. 53 (2).

(3) In addition to the requirements mentioned in subsections 1 and 2, every holder of a wholesale vendor's licence or limited wholesale vendor's licence who stores any Schedule 1 or 5 pesticide shall store the pesticide in a room or compartment that:

- (a) is well ventilated to the outside atmosphere and used exclusively for the storage of pesticides; and
- (b) has a fire resistance rating of not less than one hour except for all doors and door-frames which may have a fire resistance rating of not less than forty-five minutes. O. Reg. 618/74, s. 100 (3).

101. No vendor shall purchase, acquire or store a pesticide unless he is the holder of a vendor's licence authorizing him to sell the pesticide or a pesticide reformulated from it or is exempt from requiring a vendor's licence to sell the pesticide or a pesticide reformulated from it. O. Reg. 577/76, s. 54.

102.—(1) Subject to subsections 2 and 3, every holder of any class of retail vendor's licence who stores a Schedule 1, 2, 3 or 5 pesticide shall store the pesticide.

- (a) in such a manner that the pesticide will not likely contaminate food or drink intended for human or animal consumption;
- (b) in such a manner that the pesticide will not be likely to impair the health or safety of any person;
- (c) in an area that has a warning sign prominently displayed at the entrances thereof indicating the presence of a pesticide and stating that the pesticides may be handled only by the licensee or his employees;
- (d) in an area near which there is prominently displayed a list of emergency telephone numbers, including those of the local fire

department, hospital and poison control centre; and

(c) in an area that is maintained in a clean and orderly manner. O. Reg. 618/74, s. 102 (1).

(2) Subject to subsection 3, and in addition to the requirements mentioned in subsection 1, a holder of any class of retail vendor's licence who stores any Schedule 1, 2 or 5 pesticide shall store the pesticide in an area.

- (a) that is well ventilated;
- (b) that is not accessible to the public and which is locked when the licensee, or an employee of the licensee, is not present on the premises on which the pesticide is stored;
- (c) in an area near which adequate respiratory protection and adequate protective clothing are kept readily available by the licensee for emergency purposes; and
- (d) that has no floor drain that leads into or drains directly or indirectly into a storm sewer, sanitary sewer or watercourse. O. Reg. 618/74, s. 102 (2); O. Reg. 577/76, s. 55 (1).

(3) In addition to the requirements mentioned in subsections 1 and 2, every holder of any class of retail vendor's licence who stores any Schedule 1 or 5 pesticide shall store the pesticide in an area that is used exclusively for the storage of pesticides. O. Reg. 618/74, s. 102 (3); O. Reg. 577/76, s. 55 (2).

#### VENDOR, FIRE DEPARTMENT NOTIFICATION

103. Every holder of,

- (a) a wholesale or limited wholesale vendor's licence who stores for sale any pesticide; or
- (b) a Class 1 or 2 retail vendor's licence who stores for sale any Schedule 1, 2 or 5 pesticide,

shall notify the local fire department having jurisdiction in the area in which such pesticides are stored of the presence of the pesticide on the premises in Form 11. O. Reg. 618/74, s. 103

#### DISPLAY

104. Every holder of any class of retail vendor's licence who sells at retail any Schedule 1, 2, 3 or 5 pesticide shall.

The Forms, Schedules, and Tables referred to in the Regulation have not been reprinted here, but are available upon request. Ontario

Regulation 618/74 has been amended by O.Reg. 577/76, 28/77, 183/77, 628/77. These amendments deal primarily with changes to the Schedules.

A P P E N D I X      4

The Environmental Assessment Act, 1975





5TH SESSION, 29TH LEGISLATURE, ONTARIO  
24 ELIZABETH II, 1975

The Environmental Assessment Act, 1975

THE HON. W. NEWMAN  
Minister of the Environment



# The Environmental Assessment Act, 1975

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

## PART I

### INTERPRETATION AND APPLICATION

#### 1. In this Act,

- (a) "air" includes enclosed air;
  - (b) "Board" means the Environmental Assessment Board established under Part III;
  - (c) "environment" means,
    - (i) air, land or water,
    - (ii) plant and animal life, including man,
    - (iii) the social, economic and cultural conditions that influence the life of man or a community,
    - (iv) any building, structure, machine or other device or thing made by man,
    - (v) any solid, liquid, gas, odour, heat, sound, vibration or radiation resulting directly or indirectly from the activities of man, or
    - (vi) any part or combination of the foregoing and the interrelationships between any two or more of them,
- in or of Ontario;

Inter-  
pre-  
ta-  
tion

R.S.O. 1970,  
c. 100

R.S.O. 1970,  
c. 118

- (d) "environmental assessment", when used in relation to an undertaking, means an environmental assessment submitted pursuant to subsection 1 of section 5;
- (e) "land" includes enclosed land, land covered by water and subsoil;
- (f) "Minister" means the Minister of the Environment;
- (g) "Ministry" means the Ministry of the Environment;
- (h) "municipality" means the corporation of a county, metropolitan area, regional area, district area, city, town, village, township or improvement district and includes a local board as defined in *The Municipal Affairs Act* and a board, commission or other local authority exercising any power with respect to municipal affairs or purposes, including school purposes, in an unorganized township or unsurveyed territory;
- (i) "person" includes a municipality, Her Majesty in right of Ontario, a Crown agency within the meaning of *The Crown Agency Act*, a public body, a partnership, an unincorporated joint venture and an unincorporated association;
- (j) "proceed" includes "carry on";
- (k) "proponent" means a person who,
  - (i) carries out or proposes to carry out an undertaking, or
  - (ii) is the owner or person having charge, management or control of an undertaking;
- (l) "provincial officer" means a person designated by the Minister as a provincial officer under Part IV;
- (m) "public body" means a body other than a municipality that is defined as a public body by the regulations;
- (n) "regulations" means the regulations made under this Act;
- (o) "undertaking" means,

PART II

ACCEPTANCE, AMENDMENT, APPROVAL

(i) an enterprise or activity or a proposal, plan or program in respect of an enterprise or activity by or on behalf of Her Majesty in right of Ontario, by a public body or public bodies or by a municipality or municipalities, or

(ii) a major commercial or business enterprise or activity or a proposal, plan or program in respect of a major commercial or business enterprise or activity of a person or persons other than a person or persons referred to in subclause i that is designated by the regulations;

(p) "water" means surface water and ground water, or either of them.

2. The purpose of this Act is the betterment of the people of the whole or any part of Ontario by providing for the protection, conservation and wise management in Ontario of the environment.

3. This Act applies to,

(a) enterprises or activities or proposals, plans or programs in respect of enterprises or activities by or on behalf of Her Majesty in right of Ontario or by a public body or public bodies or by a municipality or municipalities on and after the day this Act comes into force;

(b) only on and after a day to be named in a proclamation of the Lieutenant Governor, major commercial or business enterprises or activities or proposals, plans or programs in respect of major commercial or business enterprises or activities of a person or persons other than a person referred to in clause a, designated by the regulations.

Submission  
of environmental  
assessment

5.—(1) The proponent of an undertaking to which this Act applies shall submit to the Minister an environmental assessment of the undertaking and shall not proceed with the undertaking until,

- (a) the environmental assessment has been accepted by the Minister; and
- (b) the Minister has given his approval to proceed with the undertaking.

Exception

(2) Subsection 1 does not prohibit a feasibility study, including research, or any action necessary to comply with this Act before the approval of the Minister is given to proceed with an undertaking.

Content  
of environmental  
assessment

(3) An environmental assessment submitted to the Minister pursuant to subsection 1 shall consist of,

- (a) a description of the purpose of the undertaking;
- (b) a description of and a statement of the rationale for,
  - (i) the undertaking,
  - (ii) the alternative methods of carrying out the undertaking, and
  - (iii) the alternatives to the undertaking;
- (c) a description of,
  - (i) the environment that will be affected or that might reasonably be expected to be affected, directly or indirectly,
  - (ii) the effects that will be caused or that might reasonably be expected to be caused to the environment, and
  - (iii) the actions necessary or that may reasonably be expected to be necessary to prevent, change, mitigate or remedy the effects upon or the effects that might reasonably be expected upon the environment,

Application  
of Act

by the undertaking, the alternative methods of carrying out the undertaking and the alternatives to the undertaking; and

- (d) an evaluation of the advantages and disadvantages to the environment of the undertaking, the alternative methods of carrying out the undertaking and the alternatives to the undertaking.

**6.**—(1) Where a proponent is required under this Act to submit to the Minister an environmental assessment of an undertaking,

Where licences, etc., not to be issued

- (a) a licence, permit, approval, permission or consent that is required under any statute, regulation, by-law or other requirement of the Province of Ontario, an agency thereof, a municipality or a regulatory authority, in order to proceed with the undertaking shall not be issued or granted; and

- (b) if it is intended that the Province of Ontario or any agency thereof will provide a loan, a guarantee of repayment of a loan, a grant or a subsidy with respect to the undertaking, the loan, guarantee, grant or subsidy shall not be approved, made or given,

unless,

- (c) the environmental assessment has been submitted to and accepted by the Minister; and
- (d) the Minister has given approval to proceed with the undertaking.

(2) Subsection 1 does not apply to,

Exception

- (a) a licence, permit, approval, permission or consent;
- (b) a loan, guarantee, grant or subsidy,

in relation to a feasibility study, including research, or for any action necessary to comply with this Act before the approval of the Minister is given to proceed with the undertaking.

**7.**—(1) Where an environmental assessment of an undertaking is submitted by a proponent to the Minister, the Minister,

Preparation of review and notice

- (a) shall cause a review of the assessment to be prepared; and

- (b) shall give notice of,

- (i) the receipt of the assessment,
- (ii) the completion of the preparation of the review,
- (iii) the place or places where the assessment and review may be inspected, and
- (iv) such other matters as the Minister considers necessary or advisable.

to the proponent, the clerk of each municipality in which the undertaking is being or will be carried out and, in such manner as the Minister considers suitable, to the public and to such other persons as the Minister considers necessary or advisable.

- (2) Any person may inspect an environmental assessment of an undertaking and the review thereof in accordance with the terms of the notice referred to in subsection 1 and may, within thirty days of the giving of the notice or within such longer period as may be stated in the notice,

Inspection of environmental assessment

- (a) make written submissions to the Minister with respect to the undertaking, the environmental assessment and the review thereof; and

- (b) by written notice to the Minister, require a hearing by the Board with respect to the undertaking, the environmental assessment and the review thereof.

- (3) A proponent may withdraw or amend an environmental assessment at any time prior to the day on which notice is given under subsection 1 and thereafter may withdraw or amend an environmental assessment subject to such terms and conditions as the Minister may by order impose.

Withdrawal or amendment of environmental assessment

**8.** The Minister, in determining whether to accept or to amend and accept an environmental assessment shall consider the purpose of this Act, the environmental assessment submitted to him, the review thereof, the written submissions, if any, made with respect thereto, any reports required by and submitted to him, and any further review that the Minister has caused to be prepared.

Matters to be considered by the Minister

**9.** Where a hearing is not required,

- (a) pursuant to clause a of subsection 2 of section 12; or

Notice of acceptance of environmental assessment



- (b) pursuant to clause *b* of subsection 2 of section 12 after receipt of a notice pursuant to clause *b* of subsection 2 of section 7,

and the Minister, after considering the matters set out in section 8, is of the opinion that the environmental assessment is satisfactory to enable a decision to be made as to whether approval to proceed with the undertaking with respect to which the environmental assessment is submitted should or should not be given or should be given subject to terms and conditions, the Minister shall accept the assessment and give notice thereof to the proponent and in such manner as the Minister considers suitable, to any person who has made a written submission to the Minister pursuant to subsection 2 of section 7.

**10.—**(1) Where a hearing is not required,  
(a) pursuant to clause *a* of subsection 2 of section 12; or  
(b) pursuant to clause *b* of subsection 2 of section 12 after receipt of a notice pursuant to clause *b* of subsection 2 of section 7,

Notice of proposal to amend environmental assessment

and the Minister, after considering the matters set out in section 8, is of the opinion that the environmental assessment does not comply with this Act or the regulations, is inconclusive or is otherwise unsatisfactory to enable a decision to be made as to whether approval to proceed with the undertaking with respect to which the environmental assessment is submitted should or should not be given or should be given subject to terms and conditions, the Minister shall give notice to the proponent and in such manner as the Minister considers suitable, to any person who has made a written submission to the Minister pursuant to subsection 2 of section 7 that the Minister proposes to amend the environmental assessment, together with written reasons therefor including particulars of the amendments that the Minister proposes to make to the environmental assessment and, after considering any further written submissions of the proponent and of any such person, the Minister, where a hearing is not required pursuant to clause *a* of subsection 2 of section 12 or to clause *b* of subsection 2 of section 12, after receipt of a notice pursuant to subsection 1 of section 12, shall accept or amend and accept the environmental assessment.

(2) The Minister shall give notice of the acceptance or the amendment and acceptance of the environmental assessment pursuant to subsection 1 to the proponent, and in such

manner as the Minister considers suitable, to any person who has made a written submission to the Minister pursuant to subsection 2 of section 7, and where the assessment is amended a copy of the assessment as amended and accepted together with written reasons therefor, to the proponent.

Minister may order research, etc., and reports

**11.—**(1) Where, before accepting an environmental assessment, the Minister is of the opinion that the environmental assessment as submitted does not comply with this Act or the regulations, is inconclusive or is otherwise unsatisfactory to enable a decision to be made as to whether approval to proceed with the undertaking with respect to which the environmental assessment is submitted should or should not be given or should be given subject to terms and conditions, the Minister shall give notice to the proponent that he proposes, by order, to require the proponent to carry out such research, investigations, studies and monitoring programs related to the undertaking in respect of which the environmental assessment is submitted as are mentioned in the notice, together with written reasons therefor.

Written submissions

(2) The Minister, after considering any written submissions of the proponent made within fifteen days of the giving of the notice or within such longer period as may be stated in the notice, may by order require the proponent to carry out such research, investigations, studies and monitoring programs related to the undertaking in respect of which the environmental assessment is submitted and to submit such reports thereon as the Minister considers necessary.

Notice of order

(3) The Minister shall, in such manner as the Minister considers suitable, give notice of the order to any person who has made a written submission to the Minister pursuant to subsection 2 of section 7.

Reports to be incorporated in environmental assessment

(4) Upon submission of the reports to the Minister they shall be incorporated as part of the environmental assessment and the review thereof that the Minister caused to be prepared may be revised accordingly.

Notice

**12.—**(1) A notice that the Minister proposes to amend an environmental assessment shall state that the proponent or any person who has made a written submission to the Minister pursuant to subsection 2 of section 7 may, by written notice delivered to the Minister within fifteen days after the giving of the notice of proposal to amend, require a hearing by the Board and the proponent or the person may so require such a hearing

(2) The Minister, by notice in writing,

- (a) may, where he considers it advisable; or
- (b) shall, upon receipt of a notice requiring a hearing pursuant to subsection 1 or pursuant to subsection 2 of section 7, unless in his absolute discretion he considers that the requirement is frivolous or vexatious or that a hearing is unnecessary or may cause undue delay,

require the Board to hold a hearing with respect to,

- (c) the acceptance or amendment and acceptance of the environmental assessment;
- (d) whether approval to proceed with the undertaking in respect of which the environmental assessment was submitted should or should not be given; and
- (e) whether the approval mentioned in clause *d* should be given subject to terms and conditions and, if so, the provisions of such terms and conditions.

(3) Upon receipt from the Minister of a notice pursuant to subsection 2, section 13 or clause *c* of subsection 1 of section 24, the Board shall appoint a time for the hearing, shall give reasonable notice thereof to the proponent and to the Minister and in such manner as the Minister may direct, notice to the public, to any person who has made a written submission to the Minister pursuant to subsection 2 of section 7 and to such other persons as the Minister considers necessary or advisable, and such other notice as the Board considers proper, and shall hold the hearing and decide the matters referred to it in the notice of the Minister.

(4) The parties to any proceedings before the Board in respect of the undertaking are,

- (a) the proponent;
- (b) any person, other than the Minister, who has required the hearing; and
- (c) such other persons as,
  - (i) the Board, in its opinion, specifies have an interest in the proceedings, and
  - (ii) the Board, having regard to the purpose of this Act, may specify.

**13.** Where an environmental assessment has been accepted or amended and accepted, and no hearing has been held pursuant to section 12, the proponent or a person who has made a written submission pursuant to subsection 2 of section 7 may, by written notice delivered to the Minister within fifteen days after the giving of the notice mentioned in section 9 or the notice mentioned in subsection 2 of section 10, require a hearing by the Board with respect to,

- (a) whether approval to proceed with the undertaking in respect of which the environmental assessment was submitted should or should not be given; and
- (b) whether the approval mentioned in clause *a* should be given subject to terms and conditions and, if so, the provisions of such terms and conditions, and

the Minister, by notice in writing,

- (c) may, where he considers it advisable; or

(d) shall, upon receipt of any such notice requiring a hearing, unless in his absolute discretion he considers that the requirement is frivolous or vexatious or that a hearing is unnecessary or may cause undue delay,

require the Board to hold a hearing.

**14.—(1)** Where the Minister has accepted an environmental assessment of an undertaking, the Minister may, with the approval of the Lieutenant Governor in Council or of such Ministers of the Crown as the Lieutenant Governor in Council may designate,

- (a) give approval to proceed with the undertaking;
- (b) give approval to proceed with the undertaking subject to such terms and conditions as the Minister considers necessary to carry out the purpose of this Act and in particular requiring or specifying,

- (i) the methods and phasing of the carrying out of the undertaking,

- (ii) the works or actions to prevent, mitigate or remedy effects of the undertaking on the environment,
- (iii) such research, investigations, studies and monitoring programs related to the undertaking, and reports thereof, as he considers necessary,
- (iv) such changes in the undertaking as he considers necessary,
- (v) that the proponent enter into one or more agreements related to the undertaking with any person with respect to such matters as the Minister considers necessary,
- (vi) that the proponent comply with all or any of the provisions of the environmental assessment as accepted by the Minister that may be incorporated by reference in the approval,
- (vii) the period of time during which the undertaking, or any part thereof, shall be commenced or carried out; or
- (c) refuse to give approval to proceed with the undertaking.

(2) In determining whether to give approval, give approval subject to terms and conditions or refuse to give approval to proceed with an undertaking in accordance with subsection 1, the Minister shall consider,

- (a) the purpose of this Act;
- (b) the environmental assessment of the undertaking as accepted by the Minister;
- (c) the submissions, if any, made to the Minister with respect to the environmental assessment.

(3) The Minister shall give notice, together with written reasons therefor, of his approval, approval subject to terms and conditions or refusal to give approval to proceed with the undertaking to the proponent, and in such manner as

Notice of approval

the Minister considers suitable, to any person who has made a written submission to the Minister pursuant to subsection 2 of section 7 and to such other persons as the Minister considers necessary or advisable.

15. An approval by the Minister pursuant to this Act to proceed with an undertaking does not preclude any proceeding in relation to a contravention of any provision of *The Environmental Protection Act, 1971, The Ontario Water Resources Act* or the regulations made under either of those Acts.

16.—(1) No person shall proceed with an undertaking contrary to any term or condition imposed by the Minister in giving approval to proceed with the undertaking

(2) No person shall give, make, issue, interpret or apply any licence, permit, approval, permission, consent, loan, guarantee of repayment of a loan, grant or subsidy that is required in order to proceed with an undertaking contrary to any term or condition imposed by the Minister in giving approval to proceed with the undertaking.

17. Where a proponent of an undertaking proposes to make a change in the undertaking,

- (a) before the Minister has given approval to proceed with the undertaking, that does not conform to the environmental assessment of the undertaking as accepted by the Minister; or
- (b) after the Minister has given approval to proceed with the undertaking, that does not conform to any term or condition imposed upon the approval to proceed with the undertaking,

this Act applies to the proposal to make the change in the undertaking as though the proposed change were itself an undertaking to which this Act applies.

### PART III

#### ENVIRONMENTAL ASSESSMENT BOARD

Composition of Board

18.—(1) A board to be known as the Environmental Assessment Board is established and shall be composed of not fewer than five persons who shall be appointed by the Lieutenant Governor in Council and shall not be employed in the public service of Ontario in the employ of any ministry.



(2) The Lieutenant Governor in Council shall designate a chairman and one or more vice-chairmen from among the members of the Board.

(3) In the case of the absence or inability to act of the chairman or of there being a vacancy in the office of the chairman, a vice-chairman shall act as and have all the powers of the chairman and, in the absence of the chairman and vice-chairman or vice-chairmen from any meeting of the Board, the members of the Board present at the meeting shall appoint an acting chairman who shall act as and have all the powers of the chairman during the meeting.

(4) The members of the Board, other than the chairman, shall be appointed for a term of one, two or three years so that as nearly as possible one-third of the members, other than the chairman, shall retire each year.

(5) The chairman of the Board shall be appointed to hold office during pleasure.

(6) Every vacancy on the Board caused by the death, resignation or incapacity of a member may be filled by the appointment by the Lieutenant Governor in Council of a person to hold office for the remainder of the term of such member.

(7) Three members of the Board constitute a quorum.

(8) Such employees as are necessary to carry out the duties of the Board shall be appointed under *The Public Service Act*, R.S.O. 1970, c. 386.

(9) The Board may appoint from time to time one or more persons having technical or special knowledge of any matter to inquire into and report to the Board and to assist the Board in any capacity in respect of any matter before it.

(10) The members of the Board shall be paid such remuneration and expenses as are determined by the Lieutenant Governor in Council.

(11) The powers of the Board shall be exercised by resolution and the Board may pass resolutions governing the calling of and the proceedings at meetings and specifying the powers and duties of employees of the Board and generally dealing with the carrying out of its function.

(12) The Board may determine its own practice and procedure in relation to hearings and may, subject to procedure section 28 of *The Statutory Powers Procedure Act, 1971* c. 47

the approval of the Lieutenant Governor in Council, make rules governing such practice and procedure and the exercise of its powers in relation thereto and prescribe such forms as are considered advisable.

(13) The chairman may, in writing, authorize less than a quorum of the Board to conduct a hearing and the member or members conducting the hearing shall have all the powers of the Board for the purposes of the hearing.

(14) No member of the Board shall participate in a decision of the Board pursuant to a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision of the Board shall be given unless all members so present participate in the decision.

(15) For the purpose of proceedings before the Board, the Board may appoint from among a class of parties to the proceedings having, in the opinion of the Board, a common interest, a person to represent that class in the proceedings, but any other member of the class for which such appointment was made may, with the consent of the Board, take part in the proceedings notwithstanding the appointment.

(16) The Minister is entitled, by counsel or otherwise, to take part in proceedings before the Board.

(17) The Board shall give a copy of its decision together with written reasons therefor to the Minister, to the parties, or where an appointment has been made pursuant to subsection 15, to the appointee on behalf of the class, and to such other persons as have made written submissions pursuant to subsection 2 of section 7 and to the clerk of each municipality in which the undertaking is being or will be carried out.

(18) No decision of the Board is effective until it becomes final pursuant to section 24.

(19) No decision, order, direction, resolution or ruling of the Board shall be questioned or reviewed in any court and no proceeding shall be taken in any court by way of injunction, declaratory judgment, *certiorari*, *mandamus*, prohibition, application for judicial review, *quo warranto*, or otherwise to question, review, prohibit or restrain the Board or any of its decisions, orders, directions, resolutions or rulings.

(20) Except as otherwise provided in this Act, *The Statutory Powers Procedure Act, 1971* applies to the proceedings of the Board.

Conduct of hearing by less than quorum

Only members at hearing or participate in decision

Board may appoint class representative

Minister entitled to take part in proceedings  
Giving of decision

Decisions, etc., of Board not subject to review

When decision is effective

Application of 1971, c. 47

**19.** A hearing conducted by the Board or a member or members of the Board shall be open to the public except where the Board or the member or members of the Board conducting the hearing is or are of the opinion that matters may be disclosed at the hearing that are of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interest of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public, in which case, the Board or the member or members of the Board conducting the hearing may hold the hearing concerning any such matters *in camera*.

**20.** Any decision of the Board that becomes final pursuant to section 24 shall be deemed to be the decision of the Minister or of the Minister with the approval required by section 14.

**21.** No member, employee or appointee of the Board shall be required to give testimony in any proceeding with regard to information obtained by him in the discharge of his duties as a member, employee or appointee of the Board.

**22.** Where the Environmental Hearing Board, established under *The Ontario Water Resources Act*, proposed to hold a hearing or commenced but did not complete a public hearing or did not report thereon under *The Ontario Water Resources Act* 1971, c. 86 or *The Environmental Protection Act*, 1971, immediately before this section came into force, the hearing shall be held or continued or the report may be made by the Environmental Assessment Board or, where it is necessary or advisable in the opinion of the chairman of the Environmental Assessment Board, the Environmental Assessment Board may hold a fresh hearing and any action or notice taken or given by the Environmental Hearing Board shall be deemed to have been taken or given by the Environmental Assessment Board.

**23.** For purposes relevant to the subject-matter of a inspection hearing, the Board, its employees and appointees may enter and inspect any land or premises other than a dwelling at any reasonable time.

**24.**—(1) Within twenty-eight days after receipt by the Minister of a decision of the Board on any matter referred to it by notice of the Minister pursuant to subsection 2 of section 12 or section 13 or made pursuant to clause c,

Minister within such twenty-eight day period, the Minister, with the approval of the Lieutenant Governor in Council or such Ministers of the Crown as the Lieutenant Governor in Council may designate, may,

- (a) vary the whole or any part of the decision;
- (b) substitute for the decision of the Board, such decision as he considers appropriate; or
- (c) by notice to the Board require the Board to hold a new hearing of the whole or any part of the matter referred to the Board by the notice of the Minister and reconsider its decision.

(2) Subject to subsection 3, a decision of the Board is final after the expiration of the period or periods mentioned in subsection 1 unless, pursuant to subsection 1, the decision is varied or a decision is substituted for the decision of the Board or a new hearing is required.

(3) A decision of the Board that has been varied pursuant to clause a or a decision that has been substituted for the decision of the Board pursuant to clause b of subsection 1, is final.

(4) The Minister shall give notice, together with written reasons therefor, of any variation, substitution or requirement of a new hearing pursuant to subsection 1, to every person entitled to receive a copy of the decision of the Board pursuant to subsection 17 of section 18.

## PART IV

### PROVINCIAL OFFICERS

**25.**—(1) The Minister may designate in writing one or more employees of the Ministry or other persons as provincial officers for the purposes of any section or Part of this Act or any regulation or section of any regulation made under this Act that is referred to in the designation and in a designation may limit the authority of a provincial officer in such manner as the Minister considers necessary or advisable.

Designation of provincial officers

(2) The Minister shall issue to every provincial officer a certificate of his designation and every provincial officer, in the execution of his duties under this Act and the regulations, shall produce his certificate of designation upon request.

Certificate of designation



**26.**—(1) Where a provincial officer has reasonable grounds for believing that it is necessary, for the purpose of the administration of this Act and the regulations, he may, upon production of his certificate of designation, enter at any reasonable time any building, other than a dwelling, or any structure, machine, vehicle, land, water or air and make or require to be made such surveys, examinations, investigations, tests and inquiries, as he considers necessary for such purpose, including examinations of books, records and documents and may make, take and remove or may require to be made, taken or removed samples, copies or extracts.

(2) Where a provincial judge is satisfied, upon an *ex parte* application by a provincial officer, that there is reasonable ground for believing that it is necessary to enter any building, including a dwelling, structure, machine, vehicle, land, water or air for the administration of this Act or the regulations, the provincial judge may issue an order authorizing a provincial officer to enter therein or thereon and to make or require to be made such surveys, examinations, investigations, tests and inquiries and to take the other actions mentioned in subsection 1 but every such entry, survey, examination, investigation, test, inquiry and other such action shall be made or taken between sunrise and sunset unless the provincial judge authorizes the provincial officer, by the order, to so act at another time.

**27.** No person shall hinder or obstruct a provincial officer in the lawful performance of his duties or knowingly furnish a provincial officer with false information or refuse to furnish him with information required for the purposes of this Act and the regulations.

**28.**—(1) Every provincial officer shall preserve secrecy in respect of all matters that come to his knowledge in the course of any survey, examination, test or inquiry under this Act or the regulations and shall not communicate any such matter to any person except,

- (a) as may be required in connection with the administration of this Act and the regulations or any proceedings under this Act or the regulations;
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) Except in a proceeding under this Act or the regulations, no provincial officer shall be required to give testimony in any civil suit or proceeding with regard to

information obtained by him in the course of any survey, examination, test or inquiry under this Act or the regulations.

PART V

ADMINISTRATION

Application  
to  
Divisional  
Court

**29.** The Minister, in addition to any other remedy and to any penalty imposed by law, may apply to the Divisional Court for an order,

- (a) enjoining any act to proceed with an undertaking contrary to this Act; or
- (b) invalidating any licence, permit, approval, permission or consent issued or granted contrary to subsection 1 of section 6,

and the court may make the order on such terms and conditions as the court considers proper.

Exemption

**30.** Where the Minister is of the opinion that it is in the public interest, having regard to the purpose of this Act and weighing the same against the injury, damage or interference that might be caused to any person or property by the application of this Act to any undertaking, the Minister, with approval of the Lieutenant Governor in Council or of such Ministers of the Crown as the Lieutenant Governor in Council may designate, may by order,

- (a) exempt the undertaking or the proponent of the undertaking from the application of this Act or the regulations or any matter or matters provided for in this Act or the regulations subject to such terms and conditions as the Minister may impose;
- (b) suspend or revoke an exemption referred to in clause a;
- (c) alter or revoke any term or condition of an exemption referred to in clause a.

Disclosure

**31.** Notwithstanding any other provision of this Act, where the Minister is of the opinion that compliance with any provision of this Act is causing, will cause or will likely cause the disclosure of matters that are of such a nature that the desirability of avoiding disclosure thereof in the interest of any person affected or in the public interest outweighs the desirability of disclosing such matters to the public, the Minister may make such order for the protection of such person or the public interest as he considers necessary or advisable.

**32.** (1) The Minister shall cause to be maintained a Record of every undertaking in respect of which an environmental assessment has been submitted under this Act that, subject to any order of the Minister pursuant to section 31, shall consist of the environmental assessment, the review of the environmental assessment that the Minister caused to be prepared, any written submissions, any decision of the Board or the Minister together with written reasons therefor, if any, made under this Act, any notice under section 9, subsection 2 of section 10, subsection 3 of section 14, subsection 4 of section 24 and section 39 and any order of the Minister pursuant to this Act together with the written reasons, if any, therefor.

(2) The Minister shall, upon the request of any person, make available for the inspection of such person any record referred to in subsection 1 including any document forming part of the record as soon as practicable after issuance or receipt of the document.

**33.** The Minister, for the purposes of the administration and enforcement of this Act and the regulations may,

- (a) conduct research with respect to the environment or environmental assessments;
- (b) conduct studies of the quality of the environment;
- (c) conduct studies of environmental planning or environmental assessments designed to lead to the wise use of the environment by man;
- (d) convene conferences and conduct seminars and educational and training programs with respect to the environment or environmental assessments;
- (e) gather, publish and disseminate information with respect to the environment or environmental assessments;
- (f) make grants and loans for research or the training of persons with respect to the environment or environmental assessments in such amounts and upon such terms and conditions as the Minister, subject to the approval of the Lieutenant Governor in Council, may determine;
- (g) appoint committees to perform such advisory functions as the Minister considers advisable;
- (h) make such investigations, surveys, examinations, tests and other arrangements as he considers necessary; and

Crown not relieved of liability  
R.S.O. 1970,  
c. 365

Hearings under other Acts  
1971, c. 86  
R.S.O. 1970,  
c. 332

False information

(i) with the approval of the Lieutenant Governor in Council, enter into an agreement with any government or person with respect to the environment or environmental assessments.

**34.**—(1) Except in the case of an application for judicial review or an action or proceeding that is specifically provided for with respect to a person referred to in this subsection in any Act or in a regulation under this or any other Act, no action or other proceeding for damages or otherwise lies or shall be instituted against an employee of the Ministry, a member of the Board or a Crown employee within the meaning of *The Public Service Act* who is a provincial officer or is acting under the direction of an employee of the Ministry, or such member or provincial officer, for any act done in good faith in the execution or intended execution of any duty or authority under this Act or for any alleged neglect or default in the execution in good faith of any such duty or authority.

R.S.O. 1970,  
c. 386

(2) Subsection 1 does not, by reason of subsections 2 and 4 of section 5 of *The Proceedings Against the Crown Act*, relieve the Crown of liability in respect of a tort committed by an agent or servant of the Crown to which it would otherwise be subject and the Crown is liable under that Act for any such tort in a like manner as if subsection 1 had not been enacted.

**35.** Where a proponent is required under this Act not to proceed with an undertaking until an environmental assessment of the undertaking has been accepted by the Minister and a public hearing is required or permitted under *The Environmental Protection Act, 1971* or *The Ontario Water Resources Act* other than by the Environmental Appeal Board or the Ontario Municipal Board with respect to the undertaking, the Minister shall order,

(a) that the public hearing under such other Act may be proceeded with and that this Act or the regulations or any matter or matters provided for in this Act or the regulations that is specified in the order does not apply to the undertaking or proponent; or

(b) that this Act applies to the undertaking and proponent and the public hearing under such other Act shall be deemed not to be required or permitted.

**36.** No person shall knowingly give false information in any application, return or statement made to the Minister, the Board, an employee or appointee of the

Board, a provincial officer or any employee of the Ministry in respect of any matter under this Act or the regulations.

**37.** In any prosecution, proceeding or hearing under this Act or the regulations, the production of,

- (a) a certificate or report of an analyst in the employ of the Crown in right of Ontario designated by the Minister as to the analysis, ingredients, quality, quantity or temperature of any material, whether solid, liquid or gas or any combination of them; or
- (b) any document under this Act purporting to be signed by the Minister or by or for the Board, or any certified copy thereof,

is *prima facie* evidence of the facts stated therein and of the authority of the person making the document without any proof of appointment or signature.

**38.**—(1) Any notice, order, approval or other document under this Act or the regulations is sufficiently given or served if delivered personally or sent by registered mail addressed to the person to whom delivery or service is to be made at the latest address appearing on the records of the Ministry.

(2) A notice,

- (a) given by the Minister pursuant to section 9, section 10 or subsection 3 of section 14;
- (b) given by the Board pursuant to subsection 3 of section 12; or
- (c) of the order of the Minister pursuant to section 11,

shall be given to the clerk of each municipality in which the undertaking is being or will be carried out.

(3) Where notice is given or service is made by registered mail, the giving or service shall be deemed to be made on the seventh day after the day of mailing unless the person to whom notice is given or on whom service is being made establishes that he did not, acting in good faith, through absence, accident, illness or other cause beyond his control receive the notice, order, approval or other document until a later date

Public  
notice

(4) Where the Minister or the Board is of the opinion that because the persons who are to be given any notice or document under this Act are so numerous, or for any other reason it is impracticable to give the notice or document to all or any of the persons individually, the Minister or the Board, as the case may be, may instead of doing so, cause the notice or reasonable notice of the contents of the document to be given to the persons by public advertisement or otherwise as the Minister or the Board may direct, and the date on which such notice or reasonable notice of the contents of the document is first published or otherwise given as directed, shall be deemed to be the date on which the notice or document is given.

Inspection of  
documents

(5) The making available by the Minister of a copy or reproduction made by any means of a document is compliance with the provisions of this Act authorizing the inspection of the document.

Destruction of  
certain  
documents

(6) Notwithstanding any provision of this Act, a document may be destroyed by or under the authority of the Minister when it has been completely recorded or copied and the recording or copy is retained for the purpose of inspection under this section.

Where  
notice  
is  
given  
to  
Minister

**39.** Where a proponent of an undertaking in respect of which an environmental assessment has been accepted by the Minister and for which approval to proceed has been given by the Minister receives notice of any fact, situation, event, order, proceeding or application the result of which or compliance with which has affected, affects or may affect the ability of the proponent to proceed with the undertaking in accordance with any term or condition to which the approval of the Minister to proceed with the undertaking is subject, the proponent shall forthwith give notice thereof to the Minister.

Offence

**40.** Every person, whether as principal or agent, or an employee of either of them, who contravenes any provision of this Act or the regulations or fails to comply with an order or a term or condition of an approval issued or given under this Act is guilty of an offence and on summary conviction is liable on a first conviction to a fine of not more than \$5,000 and on a subsequent conviction to a fine of not more than \$10,000 for every day or part thereof upon which the offence occurs or continues.

PART VI

REGULATIONS

41. The Lieutenant Governor in Council may make regulations,

- (a) defining any enterprise or activity as a major commercial or business enterprise or activity;
- (b) defining enterprises or activities as classes of major commercial or business enterprises or activities;
- (c) defining any body other than a municipality as a public body;
- (d) designating any major commercial or business enterprise or activity or class of major commercial or business enterprises or activities as an undertaking or class of undertakings to which this Act applies;
- (e) designating any proposal, plan or program or any class of proposals, plans or programs in respect of any major commercial or business enterprise or activity or any class of major commercial or business enterprises or activities as an undertaking or class of undertakings to which this Act applies;
- (f) exempting any person, class of persons, undertaking or class of undertakings from the provisions of this Act, the regulations or any section or part of a section thereof and designating any enterprise or activity or class of enterprises or activities or any proposal, plan or program or any class of proposals, plans or programs in respect of any of them by or on behalf of Her Majesty in right of Ontario, by a public body or public bodies or by a municipality or municipalities as an undertaking or class of undertakings to which this Act applies notwithstanding any exemption under this clause;
- (g) prescribing additional information that shall be contained in environmental assessments submitted to the Minister;
- (h) prescribing forms for the purposes of this Act and providing for their use.

42. A class of undertakings under this Act or the regulations may be defined with respect to any attribute, quality

or characteristic or combination thereof and may be defined to include any number of undertakings under one ownership or more than one ownership and whether or not of the same type or with the same attributes, qualities or characteristics.

Scope of regulations

43. Any regulation may be general or particular in its application, may be limited as to time or place or both and may exclude any place from the application of the regulation.

Adoption of codes in regulations

44. Any regulation may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any code, formula, standard or procedure, and may require compliance with any code, standard or procedure so adopted.

Application of regulations

45.—(1) A regulation is not effective with respect to an enterprise or activity that is commenced before the regulation comes into force.

Idem

(2) Notwithstanding subsection 1, a regulation is effective with respect to,

- (a) any major commercial or business enterprise or activity that is commenced after the coming into force of this Act and that is being carried on or is not completed when the regulation comes into force;
- (b) a significant change made in any major commercial or business enterprise or activity after the coming into force of this Act and that is being carried on or is not completed before the regulation comes into force; or
- (c) any proposal, plan or program in respect of any major commercial or business enterprise or activity or any class of major commercial or business enterprises or activities proposed or made before the coming into force of the regulation whether the proposal, plan or program is proposed or made before or after the coming into force of this Act.

Idem

(3) Notwithstanding subsection 1, a regulation made under clause f of section 41 is effective whether the enterprise or activity, or class of enterprises or activities, or proposal, plan or program or class of proposals, plans or programs in respect of any of them is commenced, carried on, made or proposed before or after the coming into force of this Act.



*1st Reading*

March 24th, 1975

*2nd Reading*

July 2nd, 1975

*3rd Reading*

July 14th, 1975

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THE HON. W. NEWMAN  
Minister of the Environment

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PART VII

MISCELLANEOUS

**46.** This Act comes into force on a day to be named by Commencement proclamation of the Lieutenant Governor.

**47.** This Act may be cited as *The Environmental Assessment Act*, 1975.





## A. The Environmental Assessment Act, 1975

### 1. Introduction

This appendix of the submission to The Royal Commission on Northern Environment will provide an overview of The Environmental Assessment Act, 1975, beginning with a discussion of the need for environmental assessment and the purpose of the Act. Secondly, there will be a discussion of the process, the document and the review procedure, including the opportunities for public involvement. Finally there is a section on the projects affected by the Act.

### 2. Purpose

The history of most environmental protection organizations, indicates invariably that the initial focus of the organization has been on the abatement of existing pollution. But abatement is essentially an "after-the-fact" strategy prompted by an increased awareness of ecological relationships and a growing recognition that contaminants and effluents, which were once acceptable can no longer be tolerated.

While abatement programs can play an important role in improving environmental conditions, it is apparent that an after-the-fact approach is not the best way to achieve desirable environmental quality. For example, while it may be possible to lower the air or water pollution concentrations associated with

a given plant, it still may be impossible to meet standards if the factory was located in an environmentally unacceptable site in the first place.

The purpose of The Environmental Assessment Act therefore is to establish a planning process in Ontario whereby all potentially significant effects on the social, economic and natural environments by a proposed undertaking are identified and evaluated at a stage when alternative solutions, including remedial measures and the alternative of not proceeding, are available to the decision makers. It will also ensure that those responsible for proposing as well as approving an undertaking, give due consideration to the means of avoiding or mitigating any adverse environmental effects prior to the granting of approval to proceed with the undertaking.

It should be noted that the emphasis is on the process of decision-making and not the production of an environmental assessment document.

### 3. Section 5(1) - The Prohibition

The key component of the Legislation is the prohibition clause. Section 5(1) reads as follows:

5.—(1) The proponent of an undertaking to which this Act applies shall submit to the Minister an environmental assessment of the undertaking and shall not proceed with the undertaking until,

- (a) the environmental assessment has been accepted by the Minister; and
- (b) the Minister has given his approval to proceed with the undertaking.

Process Precedes Document

What the Legislation does is require the proponent to produce a document for review before he takes any steps to implement a project. Both the Environmental Assessment document, and the timing of its submission, have been designed in a way which is intended to prompt the proponent to use an environmental planning process. The process is distinct from, and comes before, the preparation of the Environmental Assessment document.

The planning model envisaged by The Environmental Assessment Act is essentially an adaptation of the approaches traditionally used by planners and engineers, but with an explicit requirement that the environment be considered. The steps involved in the approach are:

1. Identify purpose
2. Identify alternatives
3. Study environment which may be affected by alternatives
4. Identify likely effects of alternatives on the environment
5. Identify mitigation possibilities for alternatives
6. Evaluate alternatives in terms of their positive and negative effects on the environment
7. Decide on on optimal alternative
8. Monitor results and adjust as necessary.

## 5. Contents of an Environmental Assessment Document

The contents of an environmental assessment document are presented in Figure 1. All of the steps described above leading up to a decision can be seen in the wording of the Act and they are almost in the same order with the exception that the proposed undertaking, since it has been identified through the process, is now discussed with the alternatives.

When the contents of an environmental assessment document as set out in Ontario's legislation are considered, it is important to remember that the word "environment" is very broadly defined in Section 1(c) of the Act. Figure 3 shows this definition.

Given this broad definition, it becomes evident that Ontario's environmental assessment process is directed at providing better information for decision-makers - not just in terms of effects on the natural environment, but in terms of the entire range of effects (both positive and negative) which the project might generate. Environmental Assessment is not intended to make natural environmental factors paramount. Rather, it is intended to see that they are given fair weight and consideration in the decision-making process. Perhaps the intent of the Legislature might have been clearer had the statute been entitled not The Environmental Assessment Act but, "The Decision-Making Act".



FIGURE 1: CONTENTS OF AN ENVIRONMENTAL ASSESSMENT DOCUMENT  
(Section 5(3) of The Environmental Assessment Act,  
1975)

(3) An environmental assessment submitted to the Minister pursuant to subsection 1 shall consist of,

- (a) a description of the purpose of the undertaking;
- (b) a description of and a statement of the rationale for,
  - (i) the undertaking,
  - (ii) the alternative methods of carrying out the undertaking, and
  - (iii) the alternatives to the undertaking;
- (c) a description of,
  - (i) the environment that will be affected or that might reasonably be expected to be affected, directly or indirectly,
  - (ii) the effects that will be caused or that might reasonably be expected to be caused to the environment, and
  - (iii) the actions necessary or that may reasonably be expected to be necessary to prevent, change, mitigate or remedy the effects upon or the effects that might reasonably be expected upon the environment,
 by the undertaking, the alternative methods of carrying out the undertaking and the alternatives to the undertaking; and

- (d) an evaluation of the advantages and disadvantages to the environment of the undertaking, the alternative methods of carrying out the undertaking and the alternatives to the undertaking. 1975, c. 69, s. 5.

FIGURE 2: DEFINITION OF "ENVIRONMENT"

(Section 1(c) of The Environmental Assessment Act,  
1975)

(c) "environment" means,

- (i) air, land or water,
- (ii) plant and animal life, including man,
- (iii) the social, economic and cultural conditions that influence the life of man or a community,
- (iv) any building, structure, machine or other device or thing made by man,
- (v) any solid, liquid, gas, odour, heat, sound, vibration or radiation resulting directly or indirectly from the activities of man, or
- (vi) any part or combination of the foregoing and the interrelationships between any two or more of them,

in or of Ontario;

With such a broad definition of "environment", one might wonder how the scope of an environmental assessment document can be delimited. Again, the decision-making aspect of the document must be stressed. It is not an attempt to build a data base for the Ontario Government at the proponent's expense. The rule of thumb used is that the level of detail need only be sufficient to support the kind of decision for which approval is requested.

## 6. The Review

Accompanying the Act in Appendix 4 is a detailed flow chart outlining the procedural possibilities under The Environmental Assessment Act.

In overview, there are four basic components to the administrative process established by The Environmental Assessment Act:

1. Preparation of the Environmental Assessment Document.
2. Review of The Environmental Assessment Document.
3. Decision-Making.
4. Public Involvement.

a) Preparation of the Environmental Assessment Document

At the concept stage of an undertaking, the proponent identifies whether or not The Environmental Assessment Act applies to the undertaking. To do this, the proponent should consult the Act and the Regulations or check with the Ministry of the Environment. If the Act is not applicable, no assessment is required and the proponent proceeds through the normal approvals processes. If the Act applies, then the proponent must complete the Environmental Assessment process as a prerequisite to any other approvals.

Although the Legislation does not make this a requirement, when the proponent recognizes that an Environmental Assessment is required the first step should be to contact the Ministry of the Environment to discuss, on an informal basis, the matters which should be addressed by Environmental Assessment.

Following the consultation stage, the proponent, or consultant hired by the proponent, prepare the Environmental Assessment document in conformance with the requirements of the Act, regulations and guidelines.

The cost of preparing an Environmental Assessment document is expected to be relatively low in comparison with total project outlay. Based on experience in Ontario and other jurisdictions, the costs incurred by the proponents of an undertaking in completing environmental assessment studies and

documentation are less than one percent (usually in the range of 1/10 of 1 percent to 7/10 of 1 percent) of the total project development costs.

b) Review of Environmental Assessment Document

When an Environmental Assessment is submitted, the Minister is required to prepare a review of it. The purpose of the review is to verify the completeness and accuracy of the document as prepared by the proponent. The basic criterion here is whether or not the document is a satisfactory basis for a decision on project approval.

Although it is not spelled out in the Legislation, other ministries with an interest in the undertaking or its implications will be provided with an opportunity to review the Environmental Assessment and make comments and recommendations. Part of role of the Ministry of the Environment as co-ordinator will be to resolve, through consultation, conflicts among the ministerial positions. Where conflicts cannot be resolved at the staff level, the Ministry of the Environment is not, it must be emphasized, in a position to impose a solution. Rather, conflict resolution will take place through consideration by the affected Ministers, Cabinet Committee or full Cabinet.

From the proponent's viewpoint, this co-ordinated review at an early stage in project planning may prove advantageous. An attempt will be made to see that all agencies from which the



proponent may subsequently require approvals are involved in the Environmental Assessment review. This may mean a considerable saving of time when the project reaches the stage where it is possible to apply for these approvals.

c) Decision-Making

There are two distinct types of decisions to be made in the Environmental Assessment review process. The first of these concerns the acceptance, or amendment and acceptance of the Environmental Assessment document. As mentioned in discussing the review component, the objective in this first decision is to ensure that the Environmental Assessment document is sufficiently accurate and complete to form the basis of the second decision. The second decision type involves the question of whether the undertaking for which the Environmental Assessment has been submitted should be approved, approved with conditions, or refused approval.

In addition to there being two types of decisions, there are also two possible decision-makers. One of these is the Minister of the Environment who can act by himself when deciding on acceptance of the Environmental Assessment document, but must act with Cabinet approval when deciding the question of project approval. The second possible decision-maker is the Environmental Assessment Board an administrative tribunal created under The Environmental Assessment Act.

The Environmental Assessment Board is constituted as a decision-making body. It will operate under the rules of The Statutory Powers Procedure Act.

The Environmental Assessment Act does not provide for any formal appeal from a decision of the Board. However, the Act does provide that a Board decision is not effective for a period of twenty-eight days, or such longer period as determined by the Minister of the Environment. During this period of time, the Minister, with the approval of Cabinet, may vary the Board's decision, substitute for it, or require a new hearing on all or any part of the matters which the Board has dealt with. If Cabinet does not exercise this prerogative, then the Board's decision becomes final.

The involvement of the Cabinet in the second type of decision, whether made by the Minister of the Environment or the Environmental Assessment Board, recognizes that the decision on project approval will often involve trade-offs between legitimate but competing or conflicting objectives of Government. This emphasizes the point made earlier that Environmental Assessment is intended to ensure that natural environmental factors are given due weight, but is not intended to make them paramount in all cases. Under our parliamentary system of Government, it is appropriate that the Cabinet and not a single Minister or an appointed Board, is ultimately responsible to the Legislature and to the people for determining which values are to be given the most weight.

d) Opportunities For Public Involvement In The Environment  
Assessment Review Process

An important aspect of The Environmental Assessment Act is provision of a formal procedure through which interested members of the public can influence decisions on undertakings affecting their lives by making formal presentation to the Minister of the Environment and by participating in public hearings.

At the time the Environmental Assessment is submitted to the Minister of the Environment the document is placed on the public record. From this time forward the Environmental Assessment is public, and people will have the opportunity to inspect and review the Environmental Assessment.

The Ministry of the Environment will then coordinate a government review of the Environmental Assessment. When this review is completed, a formal public notice will be given and the review will become a public document. The public will then have the opportunity to evaluate the government review of the Environmental Assessment and comment on it.

If required to do so, the Environmental Assessment Board then will hold public hearings at which time parties to the hearings will be given the opportunity to give evidence and cross-examine other people giving evidence.

The points outlined above are the opportunities for formal input as allowed for by The Environmental Assessment Act. The Ministry however, encourages the proponent to involve the public in the preparation of the Environmental Assessment. In the Ministry's experience, proponents are usually quick to realize that they will be in a very weak position to discuss the social impacts of a proposed project if they have not consulted the people affected. This informal involvement however is not a requirement of the Act.

#### 7. E.A. Update

The Ministry issues a publication entitled E.A. Update on a regular basis. The objective of the newsletter is to provide information on activities concerning The Environmental Assessment Act, 1975. E.A. Update will regularly include information regarding the status of review of individual Environmental Assessment documents, Regulations under the E. A. Act, notice of public hearings held by the Environmental Assessment Board, general guidelines for the preparation of E.A. documents and other related subjects.

#### 8. What Projects are Subject to the Act?

In preparing the Environmental Assessment Bill, one of the most critical matters to resolve was the selection of a legislative method of determining which projects are subject to the Act and which are not.

Some kinds of projects typically have significant environmental effects and should obviously require assessment. Other kinds of projects have no potentially significant effects and should be excluded from the EA requirement. Between these extremes there is a large grey area comprised of projects which have significant impact in some circumstances and not in others.

Section 3 of The Environmental Assessment Act, which deals with the application of the Act is shown in Figure 3. Of course, this section does not stand alone, but must be read in the context of the rest of the Act. Specifically, it should be noted that the Act provides for exemptions to be made. Section 30 allows exemptions to be granted by order of the Minister of the Environment subject to Cabinet approval. Section 41 provides for exemptions to be made by regulation.

Considering Section 3 in the light of these exemption provisions, its effect can be summarized in two statements:

- Section 3 (a): For the public sector,  
Everything is subject to the Act unless exempted.
- Section 3 (b): For the private sector,  
Everything is exempted from the Act unless designated by  
regulation.



FIGURE 3: Section 3 of The Environmental Assessment Act,  
1975

**3.** This Act applies to,

- (a) enterprises or activities or proposals, plans or programs in respect of enterprises or activities by or on behalf of Her Majesty in right of Ontario or by a public body or public bodies or by a municipality or municipalities on and after the day this Act comes into force;
- (b) only on and after a day to be named in a proclamation of the Lieutenant Governor, major commercial or business enterprises or activities or proposals, plans or programs in respect of major commercial or business enterprises or activities of a person or persons other than a person referred to in clause a, designated by the regulations.

(Excerpt from The Environmental Assessment Act, 1975)

(a) Public Sector

All undertakings carried out by the Provincial Government are subject unless specifically exempted. A number of Exemption Orders came into force at the time the Act was proclaimed. These Exemption Orders affect specific undertakings of those ministries and agencies which have not been exempted from the Act by Regulation. There are three basic types of orders. The first exempts certain undertakings which are unlikely to have serious environmental consequences. The second exempts undertakings that are already well underway, thus allowing them to be completed. The third type provides a temporary exemption of certain undertakings so that they can be carried on until an environmental assessment can be submitted. Following that time, they would have to be carried out in accordance with an approval obtained under The Environmental Assessment Act.

Many of the Exemption Orders are subject to various conditions to ensure that the granting of the exemptions is consistent with the purpose of the Act. Where applicable, the orders contain lists of individual projects within the undertaking or require that such lists be furnished and made public. Many of the exempt undertakings have previously been approved under the procedures existing prior to the coming into force of The Environmental Assessment Act. A detailed list of projects subject to the Act is contained in Appendix 6.

The activities of the following Ministries have been exempted by Cabinet from the provisions of the Act by Regulation #836.

1. The Ministry of Revenue	} These ministries do not carry out their own construction programs. Environmentally significant activities carried out on their behalf by the Ministry of Government Services and are regulated as activities of that Ministry.
2. The Ministry of Labour	
3. The Ministry Correctional Services	
4. The Attorney-General	
5. The Ministry of Colleges and Universities	
6. The Solicitor-General	
7. The Ministry of Community and Social Services	
8. The Ministry of Consumer and Commercial Relations	
9. The Ministry of Education	
10. The Ministry of Health	
11. The Ministry of Agriculture and Food	} Environmentally significant activities regulated under existing legislation.
12. The Ministry of Housing	

Municipalities have been exempted by regulation from the initial phase in order to allow time for discussions to be completed with municipal representatives about the types of municipal undertakings which should be subject to the Act or exempted. A joint committee was established with representatives from this Ministry, the Municipal Engineers Association and the Municipal Liaison Committee to carry out these discussions. As a result of this working group's efforts, and public response to its Report, the Minister of the Environment has recently (October 21) outlined a proposed approach for bringing municipalities under the Act.

Municipalities are currently exempted until thirty days after a regulation is passed placing them under the Act. A draft regulation is expected early in 1978.

#### (b) Private Sector Projects

Private sector undertakings are not subject to provisions of The Environmental Assessment Act unless designated by a regulation passed by the Lieutenant-Governor-in-Council. To date two private sector undertakings have been designated, of which the Reed Limited proposal for locating, constructing, supplying and operating integrated wood using manufactories in Northwestern Ontario is applicable to the area north of the 50° Parallel. The regulation designating this undertaking is contained in Appendix 7.





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A P P E N D I X      5

Guidelines and Criteria for  
Water Quality Management in Ontario



# Guidelines and Criteria for Water Quality Management in Ontario



Ministry  
of the  
Environment  
Hon. William G. Newman,  
Minister  
Everett Biggs,  
Deputy Minister

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## INTRODUCTION

In 1967, the Ontario Water Resources Commission announced its Policy Guidelines for Water Quality Control in the Province of Ontario. This publication contains a re-statement of the guidelines and introduces water quality criteria for various uses including public, agricultural and industrial water supply, recreation, aesthetic enjoyment and the propagation of fish and wildlife. The use of water for assimilation and dilution of treated wastes must take into consideration these many desirable uses. Application of the criteria to water uses within the drainage basins of the province, or parts thereof, will lead to the development of water quality standards for the control of water pollution.

Enough water of suitable quality for all of Ontario is the overall objective of the Ministry of the Environment.



# WATER QUALITY CRITERIA

The following criteria for water quality are a set of numerical and descriptive characteristics carefully defined, and applicable to each major water use category such as agriculture, fish, other aquatic life and wildlife; industrial water supply; public water supply, recreation and aesthetics. The criteria are described for use in establishing Water Quality Standards for drainage basins which in turn will be used to determine Effluent Requirements for discharges of wastes and land drainage.

The responsibility for demonstrating that a waste effluent is harmless to water uses in the concentrations to be found in the receiving waters, rests with those producing the discharge. Zones of passage and/or mixing adjacent to outfalls at the limit of which water quality may be critical, will be prescribed by the Ministry.

Reference is frequently made in the Criteria to the Report of the Committee on Water Quality, Federal Water Pollution Control Administration, U.S. Department of the Interior (1968). Acknowledgement of the report is gratefully given in recognition of its basic reference value.

## ZONES OF PASSAGE AND MIXING

Mixing zones in the vicinity of outfalls should be restricted as much as possible in extent and should provide for the safe passage of both fish and free-floating and drift organisms. Every precaution should be taken to ensure that at least two-thirds of the total cross-sectional area of a river or stream is characterized by a quality which is entirely favourable to the aquatic community at all times. In most cases this would preclude the use of a diffuser outfall which would distribute effluent uniformly across the river or stream. The water quality stand-

ard which defines the acceptable concentration of a substance contained in a waste discharge will apply at the periphery of the mixing zone or other specified sampling location.

Within mixing zones, it should be recognized that toxic wastes which will not evoke an avoidance response on the part of fish or other organisms should not be permitted. Where toxic materials are being discharged it should be assumed that the various components in the waste, regardless of the form in which they are present, may eventually be altered to the most toxic form in the aquatic environment. Adequate treatment of all wastes should be provided and mixing zones should not be considered as a substitute for proper treatment.

## STATISTICAL PROBLEMS IN SETTING LIMITS

The systematic surveillance of water and waste sources requires the collection of data to clearly represent the problems being studied. The problems are many and varied. In one case the average condition over a period of time may be required and the question arises over what period shall the average or median be taken; in another, the limit may be a figure that should not be exceeded at any time. If a standard for a certain constituent is "none", the question arises "how small an amount does this mean?" The answers vary with the type of standard and the circumstances governing the fluctuation of the indicator. In ground water problems, only the average over a considerable period of time is significant. Where required in the setting of standards and effluent requirements, definitions of limits will include the applicable sampling conditions, quantitative values and rates of discharge.

## 1 WATER QUALITY CRITERIA FOR AGRICULTURAL USES (AGR)

Agricultural production requires water of suitable quality for a variety of uses. Criteria for the major uses are given under three headings: Dairy Sanitation, Livestock Watering, and Irrigation.

Requirements for domestic and other farmstead uses and the common requirements for dairy sanitation are given elsewhere in the criteria for Private Water Supplies and Public Water Supplies.

### AGR-1 Dairy Sanitation

Modern methods for bulk handling of milk on farms require large volumes of good quality water to ensure a premium product. The quality of water needed for good dairy sanitation requires criteria for certain parameters that are additional to, or more stringent than, those required for private

water supplies. These are summarized under the headings "Permissible Criteria" and "Desirable Criteria". They should be used in conjunction with the criteria for public and private water supplies.

Treatment may prove satisfactory in meeting the criteria for certain of the inorganic chemicals such as iron and total hardness.

Waters that meet the desirable microbiological criteria can be used without disinfection, those meeting the permissible criteria require disinfection (chlorination), or chlorination and filtration, before use to reduce bacteria to levels where they will not cause deterioration of the quality of milk. Waters used for dairy sanitation should be sampled and tested at least monthly, in some cases daily, to ensure that they meet the microbiological criteria.

TABLE AGR-1  
Water Quality Criteria for Agricultural Uses  
Dairy Sanitation

Constituent or Characteristic	Permissible Criteria	Desirable Criteria
Inorganic Chemicals		
Copper	0.1 mg/l	
Iron	0.1 mg/l	
pH (range)	6.8 to 8.5	
Potassium	20 mg/l	
Total hardness as CaCO <sub>3</sub>	150 mg/l	100 mg/l
Microbiological		
Proteolytic and/or lipolytic bacteria (20°C) (individual results)	500/100 ml	0/100 ml
Yeast		Absent
Mould		Absent
Physical:		
		Clear
		Colourless
		Good taste

## ACR-2 Livestock Watering

The health and productivity of livestock are affected by the quantities of various substances ingested as feed and as water. Accordingly, the amounts of certain substances that can be present without harm in water consumed by livestock will depend in part on the amounts of the same substances that are present in the feed in addition to a number of other factors which include: the daily water requirements and the species, age, and physiological condition of the animals, and the nature and quantities of other constituents of the feed and water.

Animals may be able to tolerate a fairly high level of total dissolved solids or bacteria if they are accustomed to such levels, but may be unable to tolerate a sudden change from waters with low dissolved solids or bacteria to waters with high dissolved solids or bacteria.

In addition to direct effects on the animals, certain substances may contaminate animal products

to the point where they will not be acceptable for human consumption.

The variability of the factors that influence the acceptability of water for livestock-watering purposes must be considered when using the water quality criteria. Although the criteria provide a general guide to the quality of water that will be acceptable for most livestock, there may be cases where water of different quality than that indicated by the criteria will be required or acceptable because of the nature, age, or condition of species being raised or because of special rearing conditions or feed components. In such cases, or where the quality of an individual supply is in doubt, the quality should be assessed in relation to the specific use.

Water meeting the permissible criteria will be satisfactory for most livestock under normal rearing conditions. Water meeting the desirable criteria should provide a palatable and safe source for all normal livestock-watering purposes.

TABLE ACR-2  
Water Quality Criteria for Agricultural Uses  
Livestock

Constituent or Characteristic	Permissible Criteria	Desirable Criteria
General Quality		
Inorganic Chemicals:		ideally should meet the desirable criteria for private water supplies.
Total Dissolved Solids	2500 mg/l	< 500 mg/l
Arsenic	0.05 mg/l	Absent
Cadmium	0.01 mg/l	Absent
Chromium (hexavalent)	0.05 mg/l	Absent
Fluoride	2.4 mg/l	1.2 mg/l
Lead	0.05 mg/l	Absent
Nitrate plus Nitrite (as N)	20 mg/l	< 10 mg/l
Selenium	0.01 mg/l	Absent
Sulphate	1000 mg/l	< 250 mg/l
Radioactivity:		
Radium-226	3 pc/l	< 1 pc/l
Strontium-90	10 pc/l	< 2 pc/l
Gross beta activity in the known absence of strontium-90 and alpha-emitting radionuclides.	1000 pc/l	< 100 pc/l
Microbiological: <sup>(1)</sup>		
Enterococci (35°C)	< 40/100 ml	0/100 ml
Algae	No heavy growth of blue-green algae	

(1) The supply should be free of barnyard runoff and of effluent contamination from either man or animals. The geometric mean of sample results should not exceed the values given.

## ACR-3 Irrigation

The suitability of water for irrigation cannot be defined precisely because the effects of the water on the crop being irrigated depend on many factors. These include: soil types, climatic conditions, irrigation practices, variations in the relation between the concentration and composition of the irrigation water and the soil solution, variations in the tolerance of different plants to the combined or individual constituents in the irrigation water or the soil solution, and the modifying effects of interrelations between, and among the constituents. In general, for satisfactory irrigation, soils with poor drainage characteristics require water of higher quality than better drained soils.

In humid areas, excessive concentrations of salts or individual elements will normally be leached from the soil during periods of heavy rainfall or snowmelt before or after the growing season. This leaching action is another factor affecting the quality of water that can be used for irrigation. It may allow the use of water of poorer quality than that listed in these criteria for some crops and conditions without serious detrimental effects. Also, through proper timing and adjustment of frequency and volumes of water applied, detrimental effects of poorer quality water may often be mitigated. Good drainage of soil may be a factor of similar importance as the quality of the water used.

The presence of sediment, pesticides, or pathogenic organisms in irrigation water, which may not specifically affect plant growth, may affect the acceptability of the product. Larger sediment particles could lead to plugging of sprinkler nozzles.

Although there are many variations in the quality of water that is suitable for specific irrigation uses, water quality criteria have been assembled as a guide to the quality of water that will meet many irrigation needs. The criteria are listed as permissible and desirable. Water meeting the desirable criteria should be satisfactory for irrigation of most crops in most soil types for long periods of time. Water meeting the permissible criteria, while suitable for many crops, soil and climatic conditions, could result in decreased yields for some crops if it is used repeatedly, unless there is dilution or leaching by precipitation or the application of excess irrigation water under favourable drainage conditions. Special crops or conditions, such as the growing of plants in greenhouses, may require irrigation with water of higher quality than that indicated by the desirable criteria.

The suitability of a given source of water for specific crops, soil types, and climatic conditions should be judged on an individual basis if its suitability has not been demonstrated by practice.

TABLE ACR-3

## Water Quality Criteria for Agricultural Uses

Irrigation		Desirable Criteria	
Constituent or Characteristic	Permissible Criteria	Desirable Criteria	
Physical		55°F to 85°F	
Temperature		0/100 ml. 0/100 ml. 10,000/100 ml	
Microbiological <sup>(1)</sup>			
Fecal Coliforms (44 5°C)	100/100 ml		
Enterococci (35°C)	100/100 ml		
Total bacteria (20°C)	100,000/100 ml		
Inorganic Chemicals			
Aluminum	200 mg/l	< 10 mg/l	
Arsenic	100 mg/l	< 10 mg/l	
Beryllium	1.0 mg/l	< 0.5 mg/l	
Boron	0.5 mg/l	< 0.3 mg/l	
Cadmium	0.05 mg/l	< 0.005 mg/l	
Chloride	150 mg/l	< 70 mg/l	
Chloride—special requirement for tobacco			
Chromium	70 mg/l	< 20 mg/l	
Cobalt	200 mg/l	< 5.0 mg/l	
Copper	100 mg/l	< 0.2 mg/l	
Lead	5.0 mg/l	< 0.2 mg/l	
Lithium	200 mg/l	< 5.0 mg/l	
Manganese	5.0 mg/l	< 5.0 mg/l	
Molybdenum	200 mg/l	< 2.0 mg/l	
Nickel	0.05 mg/l	< 0.005 mg/l	
pH (range)	2.0 mg/l	< 0.5 mg/l	
Residual Sodium Carbonate	4.8 to 9.0	< 1.25 mg eq/l	
—(CO <sub>3</sub> + HCO <sub>3</sub> )—(Ca <sup>++</sup> + Mg <sup>++</sup> ) expressed as mg eq/l	1.25 mg eq/l		
Selenium	0.05 mg/l	< 0.05 mg/l	
Sodium Adsorption Ratio	6	< 4	
$= \frac{Na^+}{\frac{Ca^{++} + Mg^{++}}{2}}$			
Total dissolved solids			
Vanadium	500 mg/l	< 200 mg/l	
Zinc	100 mg/l	< 100 mg/l	
Organic Chemicals			
Pesticides			
	Insecticides, herbicides, fungicides, and rodenticides must not be present in waters used for irrigation in concentrations that are detrimental to crops, livestock, wildlife or man.	Absent	

(1) The geometric mean of sample results should not exceed the values given

## 2. WATER QUALITY CRITERIA FOR THE PROTECTION OF FISH, OTHER AQUATIC LIFE AND WILDLIFE (F & W)

The following criteria are considered to be satisfactory for fish, other aquatic life, and wildlife. Reference is made to aspects of water quality considered to be most important in the light of current knowledge. Narrative guidelines are offered where quantification is not yet possible.

### Dissolved Materials

Dissolved materials should not be added to increase the concentration of dissolved solids by more than one-third of the natural condition of the receiving water, owing to potentially harmful osmotic effects of high concentrations. Dissolved materials that are harmful in relatively low concentrations are discussed in the section "Toxic Substances".

### pH, Alkalinity, Acidity

(1) pH should be maintained within a range of 6.5 to 8.5.

(2) To protect the carbonate system, and thus the productivity of the water, acid should not be added in sufficient quantity to lower the total alkalinity to less than 20 mg/l.

### Temperature

#### (1) General

Unless a special study shows that discharge of a heated effluent into the hypolimnion of a lake will be desirable, such practice is not recommended and water for cooling should not be pumped from the hypolimnion to be discharged to the same body of water.

The normal daily and seasonal temperature variations that were present before the addition of heat due to other than natural causes should be maintained.

Wherever possible, heated discharges should be located where elevated temperature will enhance public utilization of the water by supporting a wider variety of water uses.

#### (2) Great Lakes and Connecting Waters

(a) Heated discharges are not permitted that may stimulate production of nuisance organisms or vegetation or that are or may become injurious to the wildlife, waterfowl, fish or other aquatic life or the growth and reproduction thereof. For each discharge of a heated effluent, acceptable mixing zones will be established on the basis of features and facts pertinent to that specific situation.

(b) Heat may not be discharged in the vicinity of spawning areas or where increased water tem-

perature might interfere with recognized movements of spawning or migrating fish populations

### (3) Inland Waters

(a) Heated discharges to inland waters will not be permitted unless it is clearly demonstrated that heated effluents will enhance the usefulness of the water resource without endangering the production and optimum maintenance of wildlife, fish and other aquatic species. It shall be the responsibility of the user to provide evidence to support the acceptability of the discharge under these terms.

(b) Inland trout streams, salmon streams, trout and salmon lakes and the hypolimnion of lakes and reservoirs containing salmonids and other cold water forms should not be warmed.

(c) Heat may not be discharged in the vicinity of spawning areas or where increased temperature might interfere with recognized movements of spawning or migrating fish populations.

### Dissolved Oxygen

#### (1) Warm-water Biota

The dissolved oxygen (DO) concentration should be above 5 mg/l at all times, except that in certain situations concentrations may range between 5 and 4 mg/l for short intervals within any 24-hour period provided that water quality is favourable in all other respects.

#### (2) Cold-water Biota

In spawning areas, DO levels must not be below 7 mg/l at any time. Elsewhere, DO concentrations should not be below 6 mg/l. In certain situations, they may range between 6 and 5 mg/l for short intervals within any 24-hour period, provided the water quality is favourable in all other respects.

### Carbon Dioxide

The "free" carbon dioxide concentration should not exceed 25 mg/l.

### Oil

Oil, petrochemicals or other immiscible substances that will cause visible films or toxic, noxious or nuisance conditions should not be added to water.

### Turbidity

(1) Turbidity associated with waste inputs should not exceed 50 Jackson units in warm-water streams or 10 Jackson units in cold-water streams.

(2) There should be no discharge which would cause turbidities exceeding 25 Jackson units in warm-water lakes or 10 Jackson units in cold-water or oligotrophic lakes.



### Settleable Materials

Substances should not be added that will adversely affect the aquatic biota or will create objectionable deposits on the bottom or shore of any body of water.

### Colour and Transparency

For effective photosynthetic production of oxygen, it is required that 10 per cent of the incident light reach the bottom of any desired photosynthetic zone in which adequate dissolved oxygen concentrations are to be maintained.

### Floating Materials

All floating materials, other than those of natural origin, should be excluded from streams and lakes.

### Tainting substances

All materials that will impart odour or taste to fish or edible invertebrates should be excluded from receiving waters at levels that produce tainting.

### Radionuclides

Radioactive materials should not be present in natural waters as a consequence of failure to exercise necessary controls of radioactivity releases to keep exposure to a minimum.

Experience has shown that standards established for drinking water assure that people will receive no more than currently acceptable amounts of radioactive materials from aquatic sources and that fish and other aquatic life will not receive an injurious dose of radiation.

Thus, present standards accepted for the protection of fish and other aquatic life are as follows:

Gross beta emitters	pCi/l
Radium-226	1000
Strontium-90	3
	10

Where other radioisotopes occur, the significance of the exposure of aquatic species to these forms of radiation should be assessed for each situation, both with respect to potential damage to the organisms themselves and to humans where fish or other edible forms are utilized.

### Plant Nutrients and Nuisance Growths

(1) Nutrients from unnatural sources that will stimulate production of algae, nuisance vegetation or offensive slime growths should not be added to water. The addition of sulphates or manganese oxide to a lake should be limited if iron is present in the hypolimnion as these substances may increase the quantity of available phosphorus.

(2) Organic or other materials that will promote an increased zone of anaerobic decomposition within a lake, reservoir or other body of water should not be allowed to enter the water.

amounts of the several substances do not exceed a permissible concentration for the mixture is through the use of the following relationship:

$$\left( \frac{C_a}{L_a} + \frac{C_b}{L_b} + \dots + \frac{C_n}{L_n} \right) \leq 1$$

where  $C_a, C_b, \dots, C_n$  are the measured concentrations of the several toxic materials in the water and  $L_a, L_b, \dots, L_n$  are the respective permissible concentration limits derived for the materials on an individual basis. Should the sum of the several fractions exceed one, then a local restriction on the concentration of one or more of the substances is necessary.

### (4) Pesticides

(a) Chlorinated Hydrocarbons:

Any addition of chlorinated hydrocarbon insecticides is likely to cause damage to some desired organisms and their use should be avoided.

(b) Other Chemical Pesticides

Other pesticides and herbicides gaining access to water can cause damage to desirable organisms and should be used with utmost discretion and caution. Tables F & W-1 and F & W-2 list the 48-hour TLM values of a number of pesticides for various types of fresh water organisms. To provide reasonably safe concentrations of these materials in receiving waters, application factors ranging from 1/10 to 1/100 should be used, with these values depending on the characteristic of the pesticide in question and as specified in (2) above. Concentrations thus derived may be considered tentatively safe under the conditions specified. TLM values and related application factors are subject to revision as additional bioassay information is obtained for species which may be more representative of local conditions.

### (5) Other Toxic Substances

The concentration of ABS should not exceed 1/7 of the 48-hour TLM at any time or place.

(a) ABS:

The concentration of LAS should not exceed 1/7 of the 48-hour TLM at any time or place.

(c) ARSENIC:

An application factor of 1/100 should be applied to the 96-hour TLM value as a tentative safe concentration for continuous exposure. An environment-

tal level of .01 mg/l should not be exceeded under any circumstances.

(d) AMMONIA:

Permissible concentrations of ammonia should be determined by the flow-through bioassay with the pH of the test solution maintained at 8.5. DO concentrations between 4 and 5 mg/l, and temperatures near the upper allowable levels.

(e) CADMIUM:

The concentration of cadmium must not exceed 1/500 of the 96-hour TLM concentration at any time or place.

(f) CHROMIUM:

The concentration of chromium should not exceed 1/100 of the 96-hour TLM at any time or place.

(g) COPPER:

The maximum copper (expressed as Cu) concentration at any time or place shall not be greater than 1/12 of the 96-hour TLM value. The maximum permissible concentration for continuous exposure is between 3 per cent and 7 per cent of the 96-hour TLM.

(h) LEAD:

The concentration of lead should not exceed 1/20 of the 96-hour TLM at any time or place and the 24-hour average should not exceed 1/100 of the 96-hour TLM concentration after mixing.

(i) MERCURY:

Owing to demonstrated cumulative effects of mercury in fish, and the attendant hazard to other animals, discharges of mercury to water should be avoided.

(j) NICKEL

The concentration of nickel should not exceed 1/50 of the 96-hour TLM concentration at any time or place.

(k) ZINC

The concentration of zinc should not exceed 1/100 of the 96-hour TLM concentration at any time or place.

TABLE F & W-1 INSECTICIDES\*  
(48-hour Tlm values from static bioassay, in micrograms per litre. Exceptions are noted.)

Pesticide	Stream Invertebrate <sup>1</sup>		Cladocerans <sup>2</sup>		Fish <sup>3</sup>		Gammarus lacustris, <sup>4</sup> Tlm
	Species	Tlm	Species	Tlm	Species	Tlm	
Abate	Pteronarcys	100			Brook trout	1,500	640
Aldrin <sup>5</sup>	P. californica	8	Daphnia	28	Rainbow trout	3	12,000
Allethrin	P. californica	28	D. pullex	21	- do - trout	19	20
Azinphos	P. californica	28	D. magna	345	Bluegill	7,000	100
Aramite	P. californica	110			Fathead	25	50
Baygon <sup>6</sup>	P. californica	130	Simoccephalus	3.1	Brown t.	80	70
Baytex <sup>7</sup>	P. californica	8	D. pullex	460	Rainbow t.	18	88
Benzene hexachloride	P. californica	1900	D. pullex	600	- do -	8,000	790
Bifenthrin (sevin)	P. californica	1.3	D. pullex	6.4	Brown t.	1,500	22
Carbophenothion	P. californica	55	D. magna	0.009	Bluegill	225	28
Chlordane <sup>8</sup> (trihion)	P. californica	55	S. serrulatus	20	Rainbow t.	710	80
Chlorobenzilate			D. magna	550	- do -		
Chlorion			D. magna	4.5			
Coumaphos			D. magna	1			0.14
Cyolite			D. pullex	5,000	Rainbow t.	47,000	
Cyfluthrin	P. californica	1100	D. magna	55			1.8
DDT <sup>9</sup>	P. californica	19	D. pullex	0.36	Bass	2.1	690
Delnav (dioxathion)	P. californica	60	D. pullex	14	Bluegill	14	81
Deltron (naled)	P. californica	16	D. pullex	0.9	- do -		30
Dieldrin <sup>10</sup>	P. californica	1.3	D. pullex	3.5	Brook t.	78	160
Dian <sup>11</sup>	P. californica	140	D. magna	21	Bluegill	16	1,000
Dimethoate	P. californica	10	D. magna	2500	- do -	9600	400
Dimethrin (cygon)	P. californica	18	D. pullex	0.07	Rainbow t.	700	1
Dichlorvos <sup>12</sup> (DDVP)	P. californica	10			Bluegill	40	70
Disulfoton (di-syston)	P. californica	16			- do -		

\* From Report of the Committee on Water Quality Criteria, Federal Water Pollution Control Administration, U.S. Department of the Interior (1966).

Pesticide	Stream Invertebrate <sup>1</sup>		Cladocerans <sup>2</sup>		Fish <sup>3</sup>		Gammarus lacustris, <sup>4</sup> Tlm
	Species	Tlm	Species	Tlm	Species	Tlm	
Dursban	Peteronareella	1.8	D. magna	240	Rainbow t.	20	0.4
Endosulfan (thiodan)	P. californica	5.6	D. magna	20	- do -	1.2	64
Endrin <sup>13</sup>	P. californica	0.8	D. pullex	0.1	Bluegill	0.2	4.7
Eph <sup>14</sup>			D. magna	0.1	- do -	17	3.6
Ethion	P. californica	14	D. pullex	0.01	- do -	230	3.2
Ethyl guathion <sup>15</sup>	P. californica	39	D. pullex	4	Rainbow t.	10	0.3
Fenitron <sup>16</sup>	P. californica	8	D. magna	0.2			
Guthion <sup>17</sup>	P. californica	3000	D. pullex	42			
Heptachlor <sup>18</sup> (dicofol)	P. badia	6	D. magna	390	- do -	9	100
Kepon <sup>19</sup>	P. badia	8	D. pullex	1.8	- do -	37.5	1.8
Malathion <sup>20</sup>	P. californica	40	D. pullex	0.8	Brook t.	7.2	1.3
Methoxychlor <sup>21</sup>	P. californica	1500	D. magna	4.8	Bluegill	8000	
Morestan	P. californica	900			- do -	96	
Oxex	P. californica	7			- do -	700	
Paradichlorobenzene	P. californica	11	D. pullex	0.4	Rainbow t.	880	6
Perthane <sup>22</sup>	P. californica	9	D. magna	9.4	Bluegill	47	
Phosphamidon	P. californica	460	D. pullex	0.16			
Phosdrin <sup>23</sup>	P. californica	64	D. pullex	4	Rainbow t.	7	310
Pyrethrin	P. californica	900	D. magna	25	- do -	8000	3.8
Rotenone	P. californica	7	D. pullex	10	Bluegill	22	18
Strobane <sup>24</sup>	P. californica	900			Rainbow t.	1100	350
Tetradifon (Iedion)	P. californica	7			Bluegill	390	140
Thimet	P. californica	7			Fathead	390	52
Thianite	P. badia	22			Bluegill	5.5	70
Toxaphene <sup>25</sup>	P. californica	450	D. magna	450			
Trichlorofon	P. badia	8.1	D. magna	8.1	Rainbow t.	160	60
Zectran	P. californica	16	D. pullex	10	- do -	8000	76



TABLE F &amp; W-2

HERBICIDES, FUNGICIDES, DEFOLIANTS, ALGICIDES\*

Pesticide	Stream Invertebrate <sup>1</sup>		Cladocerans <sup>2</sup>		Fish <sup>3</sup>		Gammarus Lacustris, <sup>4</sup> TLM
	Species	TLM	Species	TLM	Species	TLM	
Ametryne					Rainbow t.	3400	
Aminotriazole					Bluegill	257	
Aquathol			Daphnia magna	3600	Rainbow t.	12,600	
Atrazine					Bluegill	1400	10,000
Azide, potassium					- do -	980	9000
Azide, sodium					- do -	1100	
Copper chloride					- do -	150	
Copper sulphate	Pteronarcys	44,000	Daphnia pulex	3700	- do -	20,000	1500
Dichlobenil	californica		D. pulex	3200	Rainbow t.	960	1800
2,4-D PGBEE	P. californica	1800			Bluegill	2100	760
2,4-D BEE					- do -	800	
2,4-D isopropyl					- do -	1300	
2,4-D butyl ester					- do -	1500	
2,4-D butyl + isopropyl ester					- do -	16,700	
2,4,5-T isooctyl ester					- do -	1700	
2,4,5-T isopropyl ester					- do -	560	
2,4,5-T PGBE					- do -	1100	
2(2,4-DP) BEE	P. californica		D. magna	6000			
Dalapon	Very low toxicity					Very Low Toxicity	
Dead-X	P. californica	5000	D. pulex	3700	Rainbow t.	9400	5600
DEF	P. californica	2300			Bluegill	36	230
Dexon	P. californica	42,000			Bluegill	23,000	6000
Dicamba			D. magna	26	non-toxic		5800
Dichlone	P. californica	150			Rainbow t.	48	11,500
Difolitan	P. californica	560			Channel Cat	31	6500
Dinitroresol					Rainbow t.	210	
Diquat	P. californica	2800	D. pulex	1400	Rainbow t.	12,300	
Diuron					- do -	4300	380
Du-ter			D. magna	490	Bluegill	33	
Dyrene						15	
Endothal, copper					Rainbow t.	290	

\* From Report of the Committee on Water Quality Criteria, Federal Water Pollution Control Administration, U.S. Department of the Interior (1968).

TABLE F &amp; W-2—continued

Pesticide	Stream Invertebrate <sup>1</sup>		Cladocerans <sup>2</sup>		Fish <sup>3</sup>		Gammarus Lacustris, <sup>4</sup> TLM
	Species	TLM	Species	TLM	Species	TLM	
Endothal					Rainbow t.	1150	
dimethylamine					- do -	16,500	
Fenac, acid	P. californica	70,000	D. pulex	4500	- do -	7500	18,000
Fenac, sodium	P. californica	80,000			- do -	290	
Hydram (molineate)	P. californica	3500			- do -	690	1000
Hydrothol 191					- do -	100	5500
Lanstan (Korax)					- do -	79	
LFN							18,000
Paraquat	P. californica		D. pulex	3700	Very low toxicity		
	Very low toxicity				Rainbow t.	7800	
Propazine					- do -	650	
Silvex, PGBEE			D. pulex	2000	Bluegill	1400	
Silvex, isooctyl					- do -	1200	
Silvex, BEE	P. californica	50,000			Rainbow t.	5000	21,000
Simazine	P. californica		Simocephalus serrulatus	1400	- do -	36,500	
Sodium arsenite	Very low toxicity				- do -	2500	48,000
Tordon (picloram)					- do -	11	5600
Trifluralin	P. californica	4200	D. pulex	240	- do -	5900	25,000
Vernam <sup>5</sup> (vernolate)							

1 Stonefly bioassay was done at Denver, Colo., and at Salt Lake City, Utah. Denver tests were in soft water (35 mg/l TDS), non-aerated, 60 F. Salt Lake City tests were in hard water (150 mg/l TDS), aerated, 48-50 F. Response was death.

2 Daphnia pulex and Simocephalus serrulatus bioassay was done at Denver, Colo., in soft water (35 mg/l TDS), non-aerated, 60 F. Daphnia magna bioassay was done at Pennsylvania State University in hard water (146 mg/l TDS), non-aerated, 68 F. Response was immobilization.

3 Fish bioassay was done at Denver, Colo., and at Rome N.Y. Denver tests were with 2-inch fish in soft water (35 mg/l TDS), non-aerated, trout at 55 F.; other species at 65 F. Rome tests were with 2-2 1/2 inch fish in soft water (6 mg/l TA: pH 5.85-6.4), 60 F. Response was death.

4 Gammarus bioassay was done at Denver, Colo., in soft water (35 mg/l TDS), non-aerated, 60 F. Response was death.

5 Becomes bound to soil when used according to directions, but highly toxic (reflected in numbers) when added directly to water.

### 3 WATER QUALITY CRITERIA FOR INDUSTRIAL WATER SUPPLIES (IWS)

Desired water quality criteria are tabulated for the major industrial classifications as follows:

Brewing and Soft Drinks	IWS-1
Chemical and Allied Products	IWS-2
Industrial Cooling	IWS-3
Food Processing	IWS-4
Electroplating and Metal Finishing	IWS-5
Iron and Steel	IWS-6
Petroleum	IWS-7
Pulp and Paper	IWS-8
Leather Tanning and Finishing	IWS-9
Textiles	IWS-10

While the values listed should not normally be exceeded, these water quality criteria can vary considerably for the same industrial process depending on factors such as the technological age of plant design.

A raw surface water and/or ground water supply which is used by many different industries may not satisfy the widely varying criteria for each use. However, water treatment technology in its present state of development permits the utilization of surface water of literally any available quality to produce water of any desired quality at the point of use in industry.

Most industries located on municipal water supply systems find the quality of water provided to be satisfactory. If the water quality requirements of an industry are such that water of higher quality than that provided by the municipality is required for specific process use, the industry generally accepts the additional costs involved to produce the higher quality water.

TABLE IWS-1

#### WATER QUALITY CRITERIA FOR THE BREWING AND SOFT DRINK INDUSTRIES (Unless otherwise indicated, units are mg/l)

Characteristic	Concentration
Alkalinity (CaCO <sub>3</sub> )	85
pH, units	11
Hardness (CaCO <sub>3</sub> )	250 <sup>(1)</sup>
Chloride (Cl)	250 <sup>(2)</sup>
Sulphate (SO <sub>4</sub> )	0.3 <sup>(3)</sup>
Iron (Fe)	0.05
Manganese (Mn)	1 <sup>(4)</sup>
Fluoride (F)	1 <sup>(1)</sup>
Dissolved solids	
Organics	
Carbon chloroform extract (CCE)	0.15 <sup>(1)</sup>
Coliform bacteria, count/100 ml	1 <sup>(1)</sup>
Colour, units	5 <sup>(4)</sup>

Taste, threshold number

Odour, threshold number

(4, 5)

(4, 5)

- (1) Controlled by treatment for other constituents.
- (2) For brewing, value should not exceed 100 mg/l.
- (3) Not greater than OWRC Drinking Water Objectives.
- (4) In general, public water supplies are given conventional treatment such as coagulation, filtration and chlorination to remove suspended solids, turbidity, and odour. For example, deionized water is the responsibility of the user. To ensure low organic content, activated carbon treatment is used by industry.
- (5) Zero, not detectable by test.

TABLE IWS-2

#### WATER QUALITY CRITERIA FOR THE CHEMICAL AND ALLIED PRODUCTS INDUSTRIES\* (Unless otherwise indicated, units are mg/l)

Characteristic	Concentration <sup>1</sup>
Alkalinity (as CaCO <sub>3</sub> )	150
Iron (Fe)	0.3
Manganese (Mn)	0.1
Calcium (Ca)	50
Magnesium (Mg)	25
Bicarbonate (HCO <sub>3</sub> )	250
Sulphate (SO <sub>4</sub> )	250
Chloride (Cl)	250
Nitrate (NO <sub>3</sub> ) as N	10
Hardness (as CaCO <sub>3</sub> )	250
pH, units	6.5-8.5
Dissolved solids	750
Silica	50
Colour, units	20
Suspended solids	15

- \* Industries include the manufacture of synthetic rubber, plastics, fertilizers, soap and detergents, organic and inorganic chemicals, etc.
- (1) Because of the varying requirements of the many uses in the vast number of chemical industries, more stringent restrictions are placed on several of the above noted characteristics. In some cases, any concentration can be handled, while in others, the raw water is accepted as received. The above listed values are the most stringent values that should be suitable for the majority of uses in the chemical industry.

TABLE IWS-3

#### WATER QUALITY CRITERIA FOR COOLING WATER\* (Unless otherwise indicated, units are mg/l)

Characteristic	Concentration
Turbidity	50
Hardness	50
Iron	0.5
Manganese	0.5

Cooling waters should have appropriate initial temperature and should not deposit scale or be corrosive or encourage the growth of slimes. Among the constituents of cooling waters, hardness, suspended solids, dissolved gases, acids, oil and other organic compounds and slime forming organisms.

TABLE IWS-4

#### WATER QUALITY CRITERIA FOR THE FOOD PROCESSING INDUSTRIES (Unless otherwise indicated, units are mg/l)

Characteristic	Concentration
Alkalinity (CaCO <sub>3</sub> )	150
pH, units	6.5-8.5
Hardness (CaCO <sub>3</sub> )	150
Chloride (Cl)	250
Sulphate (SO <sub>4</sub> )	250
Iron (Fe)	0.2
Manganese (Mn)	0.2
Chloride (Cl)	1 <sup>(1)</sup>
Fluoride (F)	1 <sup>(2)</sup>
Silica (SiO <sub>2</sub> )	50
Phenol	0.3 <sup>(3)</sup>
Nitrate (NO <sub>3</sub> ) as N	10 <sup>(4)</sup>
Nitrite (NO <sub>2</sub> ) as N	1 <sup>(1)</sup>
Organics	
Carbon chloroform extract (CCE)	0.15
Odour, threshold number	1 <sup>(1)</sup>
Taste, threshold number	1 <sup>(1)</sup>
Turbidity	4
Colour, units	5
Dissolved solids	500
Suspended solids	10
Coliform, count/100 ml	1 <sup>(6)</sup>
Total bacteria, count/100 ml	1 <sup>(7)</sup>

- (1) Process waters for food canning are purposely chlorinated to prevent bacterial growth. Chlorine residual should be available for processing and canning viruses.
- (2) Waters used in the processing and formulation of foods for babies should be low in fluorides concentration. Also, because high nitrate intake is alleged to be involved in infant illnesses, the concentration of nitrates in waters used for processing baby foods should be low.
- (3) Zero, not detectable by test.
- (4) Because chlorination of food processing waters is a desirable method of disinfection, the phenol content of industrial waters must be practiced. Phenol, which even in trace amounts can impart a medicinal off-flavour to foods.
- (5) Maximum permissible concentration may be lower depending on type of substance and its effect on odour and taste.
- (6) As required by Ministry Drinking Water Objectives.
- (7) The total bacterial count must be considered as a quality requirement for waters used in certain food processing operations. The maximum acceptable concentration of high bacterial concentration in waters coming from the pasteurized frozen foods may significantly increase the count per gram for the food. Waters used to cool heat-sterilized

cans or jars of food must be low in total count for bacteria to prevent serious spoilage due to aspiration of organisms through container seams. Chlorination is widely used to assure low bacterial counts on container cooling waters.

### WATER QUALITY CRITERIA FOR THE ELECTRO-PLATING AND METAL FINISHING INDUSTRIES — IWS-5

Plating-room processes that utilize water include the stripping or picking operations, cleaning by organic solvents or alkaline solutions, rinsing and electrochemical plating. For acid stripping or for alkaline cleaning, the quality of water used in the baths is seldom critical for the added chemicals far outweigh the natural constituents of the water. Hardness of water may be detrimental when soaps or alkaline cleaning agents are used.

For rinsing and for plating, water quality is frequently a major problem. High quality water is of primary importance to assure satisfactory finished work. For decorative plating, water spots and stains may necessitate reworking, wiping, buffing, and other laborious operations. Before the application of any organic corrosion-resistant coating, it is almost a necessity to use demineralized water in the final rinse, in order to achieve adhesion of the coating. A high concentration of dissolved solids is especially detrimental in rinse waters.

In plating baths, iron, aluminum, calcium, magnesium, sodium, potassium, carbonate, bicarbonate, sulphide, sulphate, fluoride, chloride, silicate, copper, and lead have been reported to cause difficulties under certain conditions. Considerable evaporation occurs from plating baths and hence the ions present in the make-up water are concentrated to the extent that they are troublesome.

Calcium and magnesium are especially troublesome in plating baths, for they tend to precipitate to form scale on the heated surface or a sludge in the water. There is a probability of these precipitates being included in the electro-deposit, causing pits, porosity, and roughness. Magnesium may also reduce the "throwing power" in chromium baths, but on the other hand, magnesium sulphate is sometimes added to nickel-plating baths to produce softer deposits, to minimize certain types of pitting, and to increase throwing power.

Sodium and potassium are generally not harmful in plating operations, although 5-20 m may cause brittle deposits in nickel baths or reduce the throwing power in chromium solutions. Iron is one of the most troublesome pollutants of many plating operations. In a nickel-sulphate bath, it may cause hazy, streaked, pitted, or brittle deposits; in acid copper solutions, it produces rough deposits; in chromium baths, it reduces the throwing power; in

cadmium cyanide, it causes hazy deposits; in silver cyanide, stained deposits; and in zinc sulphate baths it lowers the plating efficiency and the protective value of the coating.

Among the anions, bicarbonates are detrimental in heated alkaline baths, for they tend to be converted to carbonates and accelerate the precipitation of calcium. Moreover, they buffer the water and require higher dosages of acid or alkali to obtain

TABLE IWS-7

# WATER QUALITY CRITERIA FOR THE PETROLEUM INDUSTRY

(Unless otherwise indicated, units are mg/l)

Characteristic	Concentration
Silica (SiO <sub>2</sub> )	(1)
Iron (Fe)	1
Calcium (Ca)	75
Magnesium (Mg)	25
Bicarbonate (HCO <sub>3</sub> )	(1)
Sulphate (SO <sub>4</sub> )	(1)
Chloride (Cl)	200
Fluoride (F)	(1)
Nitrate (NO <sub>3</sub> ) as N	(1)
Dissolved solids	750
Suspended solids	10
Hardness (CaCO <sub>3</sub> )	350
Noncarbonate hardness (CaCO <sub>3</sub> )	70
Colour, units	(1)
pH, units	6.0-9.0

(1) Accepted as received if meeting total solids or other limiting values.

TABLE IWS-8

# WATER QUALITY CRITERIA FOR THE PULP AND PAPER INDUSTRY

(Unless otherwise indicated, units are mg/l)

Characteristic	Mechanical Pulping	Bleached	
		Unbleached	Bleached
Silica (SiO <sub>2</sub> )	(1)	50	50
Aluminum (Al)	(1)	50	(1)
Iron (Fe)	0.3	1.0	0.1
Manganese (Mn)	0.1	0.1	0.05
Zinc (Zn)	(1)	(1)	(1)
Calcium (Ca)	(1)	20	20
Magnesium (Mg)	(1)	10	10
Sulphate (SO <sub>4</sub> )	(1)	10	(1)
Chloride (Cl)	500	200	200
Dissolved solids	(1)	(1)	(1)
Suspended solids	(1)	10 <sup>m</sup>	10 <sup>m</sup>
Hardness (CaCO <sub>3</sub> )	(1)	100	100
pH, units	6.0-9.0	6.0-9.0	6.0-9.0
Colour, units	30	30	10
Temperature, °F	(1)	(1)	95

(1) Accepted as received if meeting total solids or other limiting values

(2) No gritty or colour-producing solids.

TABLE IWS-6

# WATER QUALITY CRITERIA FOR THE IRON AND STEEL INDUSTRY

(Unless otherwise indicated, units are mg/l)

Characteristic	Quenching, hot rolling, gas cleaning	Cold rolling	Selected rinse waters	
			Softened	Demineralized
Suspended solids	25	10	(2)	(2)
Dissolved solids	(1)	(1)	(1)	(2)
Alkalinity (CaCO <sub>3</sub> )	(3)	(3)	(3)	(2)
Hardness (CaCO <sub>3</sub> )	(3)	(3)	100	(2)
pH, units	6.0-9.0	6.0-9.0	6.0-9.0	(3)
Chloride (Cl)	150	150	150	(2)
Dissolved oxygen (O <sub>2</sub> )	(4)	(4)	(4)	(4)
Temperature, °F	100	100	100	100
Oil	(1)	(2)	(2)	(2)
Floating material	(1)	(2)	(2)	(2)

(1) Accepted as received if meeting total solids or other limiting values.

(2) Zero, not detectable by test.

(3) Controlled by treatment for other constituents.

(4) Minimum to maintain aerobic conditions.

TABLE IWS-9

# WATER QUALITY CRITERIA FOR THE LEATHER TANNING AND FINISHING INDUSTRY

(Unless otherwise indicated, units are mg/l)

Characteristic	Tanning Processes	General Finishing Processes	Colouring
Alkalinity (CaCO <sub>3</sub> )	(1)	130	130
pH, units	6.0-8.0	6.0-8.0	6.0-8.0
Hardness (CaCO <sub>3</sub> )	150	(2)	(3)
Calcium (Ca)	60	(2)	(3)
Chloride (Cl)	250	250	(4)
Sulphate (SO <sub>4</sub> )	250	250	(5)
Iron (Fe)	0.3	0.3	0.1
Manganese (Mn)	0.2	0.2	0.01
Organics <sup>(1)</sup>			
Carbon chloroform extract (CCE)	(5)	0.2	(3)
Colour, units	5	5	5
Coliform bacteria, count/100 ml	(6)	(6)	(5)
Turbidity	(3)	(3)	(3)

(1) Accepted as received if meeting total solids or other limiting values.

(2) Lime softened

(3) Zero, not detectable by test

(4) Demineralized or distilled water

(5) Concentration not known

(6) OWRC Drinking Water Objectives

## 4 CRITERIA FOR PUBLIC WATER SUPPLIES

(PWS)

Criteria are given for public and private supplies from both surface and ground water sources.

Public supplies include water systems operated by municipalities, public utilities, industries, commissions, commercial establishments, etc. where competent operation of the water supply system is provided

Private supplies include water systems operated by personnel who may not have the necessary technical or mechanical expertise.

### PWS-1 Criteria for Public Surface Water Supplies

Since treatment processes exist which can convert any raw water (with a few minor exceptions) to potable water, it is necessary to define a commonly accepted treatment system which can produce a potable water at a reasonable cost. For the purposes of these criteria, such a system has been

defined to consist of coagulation, flocculation, sedimentation and rapid sand filtration, the use of chemicals is restricted by definition to the commonly used coagulants and chlorine for disinfection.

Two types of criteria have been established, namely the Permissible Criteria and the Desirable Criteria (Table PWS-1). Waters meeting both of these criteria are acceptable for treatment by the defined treatment process stated above. Waters meeting the Desirable Criteria provide for a greater margin of safety.

It should be borne in mind that the values given under the Permissible Criteria cannot be considered as maximum single sample values. These criteria should not be exceeded over substantial portions of time. If this should occur, then it will become necessary to determine the cause and initiate corrective action. The frequency and variety of sampling should be based on the findings of a comprehensive pollution survey.

TABLE IWS-10

# WATER QUALITY CRITERIA FOR THE TEXTILE INDUSTRY

(Unless otherwise indicated, units are mg/l)

Characteristic	Sizing Suspension	Scouring	Bleaching	Dyeing
Iron (Fe)	0.3	0.1	0.1	0.1
Manganese (Mn)	0.05	0.01	0.01	0.01
Copper (Cu)	0.05	0.01	0.01	0.01
Dissolved solids	100	100	100	100
Suspended solids	5	5	5	5
Hardness (CaCO <sub>3</sub> )	25	25	25	25
pH, units	6.5-10.0	9.0-10.5	2.5-10.5	7.5-10.0
Cotton Synthetics	6.5-10.0	3.0-10.5	(1)	6.5-7.5
Wool	6.5-10.0	3.0-5.0	2.5-5.0	3.5-6.0
Colour, units	5	5	5	5

(1) Not applicable

TABLE PWS-1

WATER QUALITY CRITERIA FOR  
PUBLIC SURFACE WATER SUPPLIES

(Unless otherwise indicated, units are mg/l)

Constituent or Characteristic	Permissible Criteria	Desirable Criteria
<b>Physical</b>		
Colour (platinum-cobalt)	75 units	< 5 units
Odour	Readily removable by defined treatment	Absent
Turbidity	do —	Pleasant tasting
Temperature	85°F	
<b>Inorganic Chemicals</b>		
Ammonia	0.5 (as N)	< 0.01
Arsenic*	0.05	Absent
Barium*	1.0	Absent
Boron*	1.0	Absent
Cadmium*	0.01	< 25
Chloride*	250	Absent
Chromium* (hexavalent)	0.05	Virtually absent
Copper*	1.0	Near saturation
Dissolved Oxygen	≥ 4 (monthly mean) ≥ 3 (individual sample)	1.0
Fluoride*	See footnote (1)	
Hardness*	Acceptable levels will vary with local hydrogeologic conditions and consumer acceptance	
Iron (filterable)	0.3	Virtually absent
Lead*	0.05	Absent
Manganese* (filterable)	0.05	Virtually absent
Nitrate plus Nitrite*	10 (as N)	Least amount of interference with treatment process
pH range	6.0 - 8.5 units	
Phosphorus* (phosphates)	Not encourage growth of algae or interfere with treatment process	
Selenium*	0.01	Absent
Silver*	0.05	Absent
Sulphate*	250	< 50
Total Dissolved Solids* (filterable residue)	500	< 200
Uranium*	5	Absent
Zinc*	5	Virtually absent
<b>Organic Chemicals</b> <sup>(2)</sup>		
Carbon chloroform extract* (CCE)	0.15	< 0.04
Cyanide*	0.20	Absent
Methylene blue active substances*	0.5	Virtually absent
Oil and grease*		

Table PWS-1 (cont.)

Constituent or Characteristic	Permissible Criteria	Desirable Criteria
<b>Pesticides:</b>		
Aldrin*	0.017	do —
Chlordane*	0.003	do —
DDT*	0.042	do —
Dieldrin*	0.017	do —
Endrin*	0.001	do —
Heptachlor*	0.018	do —
Heptachlor epoxide*	0.018	do —
Lindane*	0.056	do —
Methoxychlor*	0.035	do —
Organic phosphates plus carbamates*	0.1	do —
Toxaphene*	0.005	do —
<b>Herbicides:</b>		
2,4-D plus 2,4,5-T, plus 2,4,5-Tp*	0.1	do —
<b>Phenolic Substances*</b>	Virtually absent	do —
<b>Radioactivity</b>		
Gross beta*	(pc/l)	(pc/l)
Radium-226*	1,000	< 100
Strontium-90*	3	< 1
	10	< 2
<b>Microbiological</b> <sup>(3)</sup>		
Coliform organisms (at 35°C)	5,000/100 ml	< 100/100 ml
Fecal coliforms (44.5°C)	500/100 ml	< 10/100 ml
Fecal streptococci (35°C)	50/100 ml	< 1/100 ml
Total Bacteria (20°C)	100,000/100 ml	< 1,000/100 ml
Clostridia (in water) (35°C)	50/100 ml	< 0/100 ml

\* The defined treatment process has little effect on the constituents

(1) Annual Avg. of Max. Daily  
Intake, mg./F.50.0 to 53.7  
53.8 to 58.3  
58.4 to 63.8Recommended Limit for  
Fluoride mg/l17  
1  
1.3

(2) Organic chemicals should not be present in concentrations as to cause adverse tastes and odours, which cannot be removed by the defined treatment and/or by chlorination only

(3) A monthly geometric mean of the results of raw water samples collected on a weekly basis (minimum of one sample per week) should be less than the numbers given under the Permissible Criteria column. These figures do not imply a relationship between bacterial groups.



## PWS-2 Criteria for Public Ground Water Supplies

With the exception of dissolved oxygen, fluorides and microbiological criteria, the water quality criteria for surface water apply to ground water supplies.

For fluorides, hydrogen sulphide and pollution indicator organisms, the following apply to ground water supplies:

	Permissible Criteria	Desirable Criteria
	(Unless otherwise indicated, units are mg/l)	
Fluoride	2.4	1.0
Hydrogen Sulphide	0.1	Absent
Pollution Indicator Organisms	Coniform and other pollution indicator organisms should be virtually absent from all ground water supplies.	

It is considered desirable to provide the maximum of treatment—chlorination—for all ground water supplies. This measure ensures that nuisance organisms which exist in virtually all waters do not get the opportunity to develop a foothold in a water distribution system and thereby create objectionable conditions.

## PWS-3 Criteria for Private Water Supplies

The raw water available to private supplies such as individual dwellings, cottages, farms, etc., must be of such quality that it can be used in the raw state or be made acceptable for use with a minimum of treatment limited to disinfection, filtration and/or softening. Economic considerations and

### Microbiological Criteria:

Microorganisms	Permissible Criteria	Desirable Criteria	
	Chlorination only	Chlorination & Filtration	No Treatment
Coliforms (35°C)	100/100 ml	400/100 ml	0/100 ml
Fecal Coliforms (44.5°C)	10/100 ml	40/100 ml	0/100 ml
Enterococci (35°C)	1/100 ml	4/100 ml	0/100 ml
Total Bacteria (20°C)	1000/100 ml	4000/100 ml	10/100 ml
Clostridia (in water) (35°C)	0/100 ml	4/100 ml	0/100 ml

Raw water samples should be collected at least monthly. The Geometric Mean of sample results should not exceed the values given in the table above.

lack of technical/mechanical expertise will prohibit the use of raw water supplies that require extensive treatment.

Some surface supplies have turbidities, colour and other undesirable constituents in excess of what can be used effectively in home or farm operations. Some ground water supplies (wells and springs) harbour objectionable gases, nuisance bacteria in addition to having high concentrations of iron and being highly mineralized. The initial approach in establishing a private water supply should be to explore the ground water potential from the aspects of both quality and quantity. In many instances, deficiencies in ground water quality can be offset at a relatively low cost compared to that for surface waters.

Criteria for private water supplies are identical to the surface water criteria for public water supplies, with the exception of fluorides, hydrogen sulphide, physical and microbiological characteristics. For fluorides and hydrogen sulphide, the applicable criteria appear in Section PWS-2.

### Physical Criteria:

The water supply should be substantially free from substances offensive to sight, taste or smell. Threshold odour values in excess of three units are generally considered objectionable.

Colour in the water supply should not exceed 15 units (platinum-cobalt scale).

Turbidity should be less than five units. Turbidities of up to 20 units may be removed relatively easily by sand or diatomaceous earth filters.

## 5 CRITERIA OF WATER QUALITY FOR AESTHETICS AND RECREATION (A & R)

All surface waters should be capable of supporting life forms of aesthetic value. The positive aesthetic and recreational values of water should be attained through continuous enhancement of water quality. Surface waters should be of such quality as to provide for the enjoyment of recreational activities such as hunting and fishing which are based on the utilization or consumption of fish, waterfowl and other forms of life.

The aesthetic and recreational values of unique or outstanding waters should be recognized and protected by development of appropriate water quality standards for each individual case. To retain or establish unspoiled wilderness values, it may be necessary to control access by mechanized methods of transportation.

General criteria for recreation and aesthetic use and specific criteria for total body contact recreation follow:

### A & R-1 General Criteria for Recreation and Aesthetics

Surface waters should be free of substances attributable to discharge of waste or land drainage which may impair aesthetic or recreational use, as follows:

- (1) Materials that will settle to form objectionable deposits.
- (2) Floating debris, oil, silt and other matter.
- (3) Substances producing objectionable colour, odour, taste or turbidity.
- (4) Materials, including radionuclides, in concentrations or combinations which are toxic or which produce undesirable physiological responses in humans, fish and other life and plants.
- (5) Substances, including nutrients, and conditions, including temperature, or combinations thereof in a degree or concentration which produces undesirable types or abundance of aquatic life.

### A & R-2 Criteria for Total Body Contact Recreation

Surface waters for total body contact recreational use should be free of substances attributable to discharge of waste or land drainage as follows:

- (1) Materials which will cause the pH to change beyond the range 6.5-8.3.
- (2) Materials which will obscure visibility in the water. In designated swimming and diving areas, clarity should be such that a Secchi Disc on the bottom is visible from the surface.
- (3) Conditions which will cause the water temperature to exceed 85°F.
- (4) Microbiological Criteria  
Water used for body contact recreational activities should be free from pathogens including any bacteria, fungi or viruses that may produce enteric disorders or eye, ear, nose, throat and skin infections. Where ingestion is probable, recreational waters can be considered impaired when the coliform, fecal coliform, and/or enterococcus geometric mean density exceeds 1000, 100 and/or 20 per 100 ml samples respectively, in a series of at least ten samples per month, including samples collected during week-end periods.

If these criteria are exceeded, it will become necessary to determine the cause and initiate corrective action.

When evaluating a given area of water for recreational use, the appropriate numbers of samples, and the choice of tests to be performed should be determined by consultation between sampler and analyst, prior to sampling. An effort should be made to increase utilization of the fecal coliform and enterococcus tests since these presently appear to be the more relevant guides to the bacterial quality of bathing waters.

## GLOSSARY OF TERMS

- Biossary**
- A controlled laboratory procedure which subjects live aquatic organisms to various environmental stresses.
  - Effluent Requirements**
    - Numerical or verbal descriptions of the quality of a waste or drainage effluent at the point of discharge to a receiving water body, land disposal site or waste disposal well.
    - The increase in the nutrient content of the natural waters of a lake or other body of water.
    - The  $n$ th root of the product of  $n$  observations. The equation for the geometric mean ( $G_n$ ) can be expressed as:  

$$G_n = \sqrt[n]{X_1 \cdot X_2 \cdot X_3 \cdot \dots \cdot X_n}$$
or  $G_n = \text{antilog} \left( \frac{\log X_1 + \log X_2 + \dots + \log X_n}{n} \right)$
  - Land Drainage**
    - Water that has drained from the land surface naturally or through man-made drainage systems.
    - A unit of measure expressing the concentration of a substance in a solution.
  - Milligrams per Litre (mg/l)**
  - Milligram equivalents per litre (mg. eq/l)**
    - A unit indicating the chemical equivalence of ions; derived by dividing the concentration of an ion in milligrams per litre by the combining weight of that ion.
- Note: combining weight =  $\frac{\text{atomic or molecular weight of ion}}{\text{ionic charge}}$
- Oligotrophic**
    - Waters with a small supply of nutrients and hence a small organic production; usually having abundant dissolved oxygen at all depths.
  - Photosynthetic (pd.)**
    - Relating to the process by which the chlorophyll-bearing cells of green plants convert carbon dioxide ( $\text{CO}_2$ ) and water ( $\text{H}_2\text{O}$ ) into sugar ( $\text{C}_6\text{H}_{12}\text{O}_6$ ) and oxygen ( $\text{O}_2$ ) in the presence of light.
  - Raw Water**
  - Waste**
    - Surface or ground water, prior to treatment.
    - Liquid carrying unwanted materials or compounds resulting from human activities or enterprises to a point of discharge. The mixture may or may not have received treatment.
  - Water Quality Criteria**
    - Numerical or verbal descriptions of the quality of water required for particular uses.
  - Water Quality Standards**
    - Numerical or verbal descriptions of the quality of water required for a variety of uses in a given drainage system.

## REFERENCES

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A P P E N D I X      6

Projects subject to  
The Environmental Assessment Act



## APPENDIX 6

### LIST OF PROJECTS REQUIRING AN ENVIRONMENTAL ASSESSMENT

#### A) Ministry of Colleges and Universities

New campuses for community colleges or for universities.

#### B) Ministry of the Environment

1. New sewage treatment plants and the associated sewage collection and transmission works.
2. New water treatment works and the associated water distribution works.
3. a) expansions to existing water works and sewage works;  
b) process changes.
4. Lagoons or expansions to lagoons.
5. New dump or landfilling site.
6. Resource Recovery projects, (excluding feasibility studies and the experimental plants being built in North York and the Watts from Waste project.)

#### C) Ministry of Government Services

1. Capital Construction or Lease - Purchase Projects having an estimated completion cost of more than \$1 million, carried out by the Capital Development Division, MGS.

The following list gives the main project types within this category:

- a) Courthouses
- b) Laboratories
- c) Administrative offices
- d) Garages and service centres for vehicles and vehicle inspection stations
- e) Land registry offices
- f) Airports including landing strips, water aerodromes or heliports



Condition: Any of the projects within this category, for which a Definitive Estimate and a Definitive Report have been completed within 30 days of Proclamation of the Act are exempt.

2. The activity of leasing property on behalf of Ministries and agencies of the Ontario Government where the proposed use of the leased property is substantially different from the use prior to the date of the proposed lease.
3. The activity of purchasing or optioning land or land rights for future Government uses:
  - a) where the proposed interim land management to be carried out by the Ministry of Government Services will substantially change the use of the lands prior to the date of the purchase;
  - b) where the proposed use will require the submission of an environmental assessment.

D) Ontario Hydro

1. Transmission lines of 115kV or more and over 2Km in route length.
  2. Transmission line taps of 115kV or more and longer than 2Km.
  3. New transformer, distribution and switching stations capable of operation at 115kV or more.
  4. Upgradings, rehabilitation or expansion of existing transformer stations or switching stations to more than 230kV.
  5. Rehabilitation or expansion of transformer stations or switching stations involving extension to the site.
  6. New generating stations and new heavy water plants, excluding those which are specifically exempted.
  7. Site acquisition for new generating stations or heavy water plants.
  8. Combustion, turbine and diesel generators at new sites.
  9. Steam or hot water distribution systems for district heating.
  10. Diversion of watersheds.
  11. Communications towers.
  12. Change of existing right-of-way and replacement of poles and towers except for emergencies.
- Note: Specific transmission, distribution, transformer and

switching stations are exempt. Details are available in the exemption orders. Also, many of the above projects are exempt until April 1, 1979 to allow time for an environmental assessment to be prepared for a class of undertakings.

E) Ministry of Industry and Tourism

1. The development of attractions and destination resorts.
2. Implementation of tourism development plans excluding those substantially underway by January 1, 1977, and provided that a list of those excluded be filed with the Director of the Environmental Approvals Branch by February 1, 1977.
3. The development of lands for industrial purposes excluding the selection and acquisition of a site for the Edwardsburgh heavy industrial development and excluding the planning of Northam, Huron and Sheridan Industrial Parks.

F) Ministry of Natural Resources

1. The following projects are included except where implementation of the plan has been commenced prior to July 1, 1978:

The activity of implementing plans in connection with:

- a) Road maintenance
- b) Forest management
- c) Seismic exploration and drilling for resource exploration

2. The following projects are included except where the construction or implementation of the undertaking has been commenced prior to July 1, 1979:

- a) Dams, dykes, fishways, ponds, docks, dredging, shoreline and bank stabilization and water level control.
- b) Landfill sites, dumps and transfer stations regulated under The Environmental Protection Act, 1971.
- c) Access points to lakes and other facilities.
- d) Outdoor recreation trails, canoe routes.
- e) Rabies control in wildlife.
- f) Mineral management.

- g) The control of nuisance species of plants and animals, including fish, birds and insects by trapping, chemicals, shooting, transplanting or habitat alteration.
  - h) Land use plans.
  - i) Great Lakes access plans.
  - j) Development of mining lands.
  - k) Upgrading facilities for Provincial Parks.
  - l) Cottage and camping sites.
  - m) The reclamation of lakes by the use of chemicals, mechanical devices or other methods.
  - n) Waterworks, sewage works and sewage systems.
  - o) Plans under the Algonquin Forestry Authority Act, 1974.
3. The following projects are included unless the construction or implementation of the undertaking has been commenced prior to July 31, 1977.
- a) A management plan for a wildlife area or a sports fishery excluding the Lucknow River Fisheries Area Management Plan, the Hullet Wildlife Area Management Plan and The Lake St. Lawrence Wildlife Area Management Plan unless the undertakings have not been commenced prior to January 1, 1982.
  - b) A new road that is not part of or proceeded with another undertaking.
  - c) A new fish hatchery or a reconstruction of an existing one, excluding the Dorion Fish Hatchery.
  - d) The introduction of exotic fish species into a body of water or watercourse.
  - e) A new, upgraded or altered resource extraction facility in a provincial park.
  - f) A new site plan for a provincial park.
  - g) The implementation of Park Master Plans unless they are specifically exempted and provided that implementation has been commenced prior to July 31, 1977, for those that are specifically exempted.
4. Lake development plans excluding the plans specifically exempted in the exemption orders unless the implementation of these exempted plans has not been commenced prior to January 1, 1982.

(i) Ministry of Transportation & Communications

The following projects are included unless the construction is substantially completed by January 1, 1980:

1. New Routes
2. Major realignments
3. By-passes
4. Freeway upgrading - urban and rural
5. New interchanges - urban and rural
6. Widening of existing highways by adding additional lanes for through traffic - urban and rural
7. Adjustments to alignments, grades or cross-sections
8. Patrol yards
9. Vehicle inspection stations
10. Rest areas
11. Service centres
12. New or modified water crossings (when not included as part of any of the above projects)
13. The construction relating to the program of Remote Northern Communications, the construction being the physical erection of the towers, necessary guying, associated buildings and associated access unless the above is completed by January 1, 1980.
14. The activity of carrying out planning, design, provision and construction under that portion of the program of Remote Airport Construction consisting of the specific works listed in the exemption orders, unless construction of these projects will be substantially completed by January 1, 1980.

(ii) Toronto Area Transit Operating Authority or The Ontario Transportation Development Corporation

1. A new commuter rail line or station
2. Any extension or expansion of an existing commuter rail line excluding operational changes
3. A new or expanded yard or terminal for a commuter rail line
4. A new or extended commuter bus route not on a public road

5. Expansion of commuter rail stations
6. New commuter bus stations, but not a passenger shelter
7. Specific construction works listed in the exemption orders unless the program of operations and construction is substantially completed by January 1, 1980.

(iii) Ontario Northland Transportation Commission or The Ontario Transportation Development Corporation

1. A new or extended ferry service
2. A new or expanded dock or ferry terminal
3. A new, extended or expanded rail line, yard or terminal
4. A new or expanded inter-city bus station, yard or terminal
5. New or expanded rail passenger stations
6. New or expanded inter-city truck yards or terminals
7. New or expanded bus routes not on public roads
8. The complete termination of rail passenger services on a route
9. Specific works listed in the exemption orders unless they are substantially completed by January 1, 1980

(iv) Ontario Northland Transportation Commission or Ontario Telephone Development Corporation

1. Overhead lines
2. Buried cables
3. Microwave towers and supports including power supplies
4. Remote microwave facilities
5. Antennae for electric or electromagnetic communication

H) Conservation Authorities

On September 1, 1977, Cabinet approved a regulation placing activities of Conservation Authorities (except those undertakings otherwise exempted) under the Act. Since there are no Conservation Authorities established north of 50° we will not elaborate further.



I) Ministry of Culture and Recreation

The only undertakings of potential significance to the area under construction by the Commission is the establishment of OAEC transmission towers. At this time, however, there are no towers proposed north of 50°.

J) Ministry of Northern Affairs

1. N.O.R.T. Roads

2. Undertakings implemented by MNA and not otherwise covered by an exemption or another Ministry.

K) Ministry of Treasury, Economics and Intergovernmental Affairs

The undertakings carried out by this Ministry are for the most part related to its Regional Priority Program, stemming from D.R.E.E. and are usually implemented via other lead agencies. TEIGA's lead agency north of 50° will be the Ministry of Northern Affairs.



A P P E N D I X      7

Ontario Regulation 1009/76



REGULATION MADE UNDER  
THE ENVIRONMENTAL ASSESSMENT ACT, 1975  
ONTARIO REGULATION 1009/76  
EFFECTIVE JANUARY 16, 1977

DESIGNATION

1.-(1) The enterprise or activity of Reed Ltd. or any company related to it by ownership or contract consisting of,

- (a) the location, establishment and operation of integrated wood using manufactories, including a pulpmill, to be supplied with timber from a tract of land measuring approximately 18,983 square miles located in the territorial district of Kenora, Patricia Portion and Thunder Bay; and
- (b) the harvesting and supplying of timber from the tract referred to in clause a,

is defined as a major commercial or business enterprise or activity and the proposal, plan or program in respect thereof is designated as an undertaking to which the Act applies.

(2) The manufactories and the tract referred to in subsection 1 are referred to and described in a Memorandum of Understanding made the 26th day of October, 1976 between Her Majesty the Queen in right of Ontario as represented by the Minister of Natural Resources and Reed Ltd., a corporation amalgamated under the laws of Ontario and tabled in the Legislative Assembly on the 26th day of October, 1976.

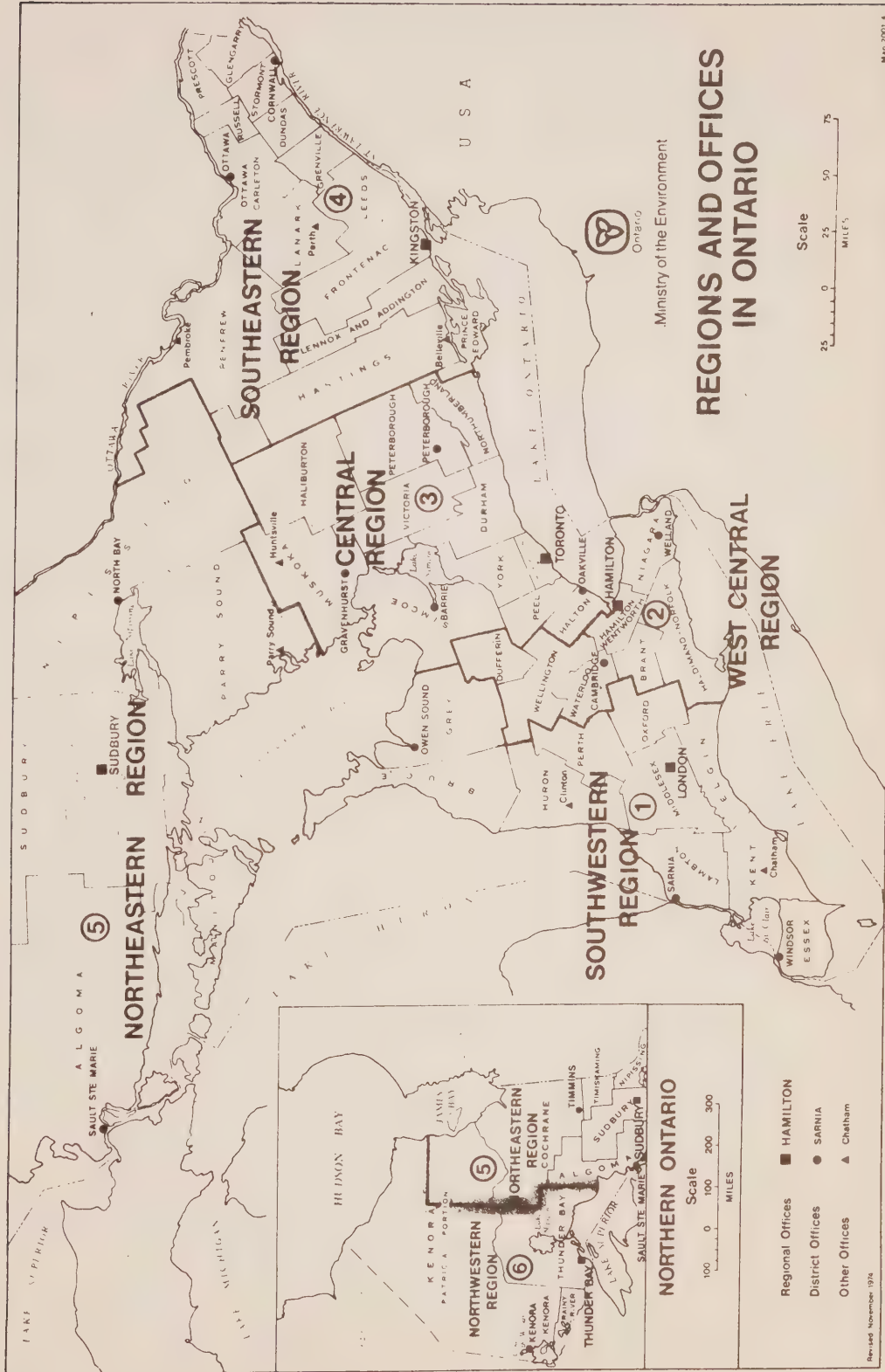




A P P E N D I X      8

Map Showing M.O.E. Regions and Offices in Ontario









A P P E N D I X      9

Data Base



## Appendix 9

### DATA BASE

This Appendix provides an outline of the data available from offices of the Ministry of the Environment. Most of the data listed is available from our Regional Offices, in Sudbury and Thunder Bay. Other data would be available from the appropriate Head Office Branches in Toronto.

Information in this Appendix is contained within the following headings: General; Present and Proposed Major Development; Waste Disposal; Air Monitoring; Water Monitoring; Sewage and Water Supply.

#### (a) General

The Ministry of the Environment obtains, compiles and maintains large amounts of data with respect to the environment in Northern Ontario.

On the municipal side, the Ministry maintains files on all organized municipalities and many unorganized communities. Data on water and sewage services, waste disposal sites, review of plans and generally any information associated with environmental matters concerning the municipality are located in these files. Waste loadings to receiving streams from municipalities can be determined from the file information, as can the general adequacy of services provided. Where services have yet to be provided, there will often be pollution survey reports identifying problem areas, if they exist. In addition to

pollution abatement information, these files also contain detailed information on potable water quality, particularly where communal water supplies exist.

Information concerning industrial enterprises is also contained on files maintained by the Ministry. This information is made available to the public except where proprietary information is involved. The information generally available includes data on emissions and effluents from industry to the natural environment. The data is not normally available in summary report form except where air or water quality reports have been produced. Requests for such information are filled within the limits of the capability of Ministry staff to respond to requests.

The Ministry's Regional Offices operate many monitoring programs covering both the air and water environment.

Sampling of watercourses for major industrial or municipal effluent discharges is undertaken regularly. To a limited degree, staff also arrange for the monitoring of watersheds where significant development is proposed. Data from these studies include stream and groundwater quality and quantity data.

Staff are also involved in the collection of samples for air quality assessments in municipalities where there are major industrial air emission sources.

The Ministry was also involved in a Northern Ontario Water Resources survey in conjunction with Environment Canada during the period of 1964 to 1974. The objective of this survey was to determine the ground and surface water quantity, quality and availability in the northern watershed. The data is presently on record in the Ministry's central offices though a final report has not yet been issued.

Guidelines and objectives and other technical documents pertaining to the control of effluents from the pulp and paper and mining industries have been developed by the Industrial Section of the Pollution Control Branch. The Section also co-ordinates the development of policies relating to industrial matters and offers technical advice on industrial processes and pollution control to other Ministry branches.

As a result of these activities, substantial documentation on pollution control in the mining industry is available, and similar information, but to a much more limited degree, is available on the pulp and paper industry.

(b) Present and Proposed Major Industrial Activities in Northern Ontario, North of the 50th Parallel

A. Present Major Industrial Activities

1. Union Miniere Explorations and Mining Corporation Limited, Pickle Lake, Base Metal Mine and Mill Complex.
2. Stelco Mining Corporation Limited, Ear Falls, Base Metal Mine and Mill Complex.
3. The Steel Company of Canada Ltd., Griffith Mine, Ear Falls; Iron Mine, Mill, Pelletizing, and Reduction Complex.
4. Abitibi Lumber-Hudson Limited, Hudson, Sawmill.
5. Aquitaine Company of Canada, James Bay, offshore oil drilling. (Monitored by Federal Government).



B. Proposed Major Industrial Activities

1. Dofasco, proposed iron ore mine, concentrator and pelletizing operation at Nakina/Nipigon area (distant prospect).
2. Steep Rock Iron Mines Ltd., proposed iron ore mine, concentrator and pelletizing operation in Lake St. Joseph area (distant prospect).
3. Reed Ltd., New Kraft Mill, Ear Falls/Red Lake area.
4. Reed Ltd., Sawmill Complex, Ear Falls area.
5. Onakawana Development Limited, proposed development of lignite deposits.
6. Polar Gas Limited exploratory drilling for metals in James Bay Lowlands.
7. Amoco (Canada) Petroleum Company Ltd., Detour Lake, exploratory drilling for gold.
8. Ministry of Transportation and Communications, Moosonee access road has been studied.

(c) Waste Disposal

Waste disposal sites for refuse disposal are operated by all municipalities. The Ministry of Natural Resources operates in excess of 200 sites in unorganized and remote areas. The Ministry of the Environment maintains files on all sites at its Regional and District offices.

In addition, the following specialized waste reports are available:

The Hearst Wood Waste Study,  
Solid Waste for Industrial Fuel, and  
Methanol in Ontario.

These reports provide information relating to resource recovery processes available.

(d) Air Monitoring

The heaviest concentration of industries is located south of the 50th parallel. Thus, most monitoring activities are conducted in the centres where development has already occurred such as Thunder Bay, Marathon, Atikokan, Kenora, Dryden, Timmins, Kapuskasing, Sault Ste. Marie and Sudbury. Air monitoring programs may include dust fall jars, static sulphation plates, continuous H<sub>2</sub>S monitors, Hivol samplers, vegetation studies, moss bag exposures, and snow samples.

Air monitoring programs (north of 50) are conducted at Balmertown, Pickle Lake, Red Lake, Ear Falls, and Moose Factory.

Dustfall jar stations have been located at Balmertown and Moose Factory. Static sulphation plates are in place at Balmertown. Vegetation samples are collected at Balmertown and Pickle Lake. Moss bag exposures are conducted in Red Lake, while snow samples are taken at Red Lake, Ear Falls, and Pickle Lake.

Results of the air monitoring programs are available from the appropriate Regional office, or from the Air Resources Branch in Toronto.

(e) Water Monitoring Programs

All pulp and paper mills and base metal mines and mill complexes monitor wastewater discharges on a daily or weekly basis, and report their results monthly or quarterly to the Ministry. The frequency of monitor sampling and reporting as specified by the Ministry is based on effluent and environmental circumstances at individual sites. Wastewaters from other industries are also required to be monitored when an environmental problem has been associated with them.

For example, in the Northwestern Region, the following industries report to the Ministry on a regular basis:

American Can of Canada Ltd., Marathon Chlor-Alkali Plant  
 Reed Limited, Dryden, Chlor-Alkali Plant  
 Noranda Mines Limited, Manitouwadge  
 International Nickel Co. of Canada Ltd., Shebandowan Mine  
 Mattabi Mines Limited, Ignace  
 Sturgeon Lake Mines Ltd., Ignace  
 Selco Mining Corporation Ltd., Ear Falls  
 The Steel Co. of Canada Ltd., Griffith Mine, Ear Falls  
 Industrial Grain Products Ltd., Thunder Bay  
 Northern Wood Preservers Ltd., Thunder Bay  
 and all 10 pulp and paper mills.

To ensure dependability of the monitoring programs of the companies, Ministry staff inspect these plants and randomly sample the same effluents from time to time. The Ministry's checks to date essentially have confirmed the reporting by the companies concerned.

In the vicinity of Red Lake, six stations are maintained:

1.     Howey Bay, 500 feet from shore on Red Lake.
2.     Red Lake in the McKenzie Channel at the ferry crossing.
3.     Balmer Creek at Balmer Lake outlet.
4.     Balmer Creek, 500 feet upstream of the Chukuni River.
5.     The Chukuni River downstream of Balmer Creek.
6.     Snib Lake Creek at Snib Lake outlet.

Two stations are maintained at Ear Falls; one at English River at Manitou Falls and the other at Trout Lake River at Highway #105.

Two stations are maintained on the Wabigoon River, one upstream from Reed Limited at Dryden and one downstream of the company at Golf Course Road bridge.

The following tables list monitoring stations located throughout the North.

The following is a list of locations where water quality data have been collected 4 - 8 time per year for a period of 1 - 4 years and are available in DATA FOR NORTHERN ONTARIO WATER RESOURCES STUDIES (Water Resources Bulletins 1-1 to 1-5), as listed in the attached bibliography of reports and bulletins.

L O C A T I O N <u>NAME</u>	L A T .		L O N G .	
	<u>DEG.</u>	<u>MIN.</u>	<u>DEG.</u>	<u>MIN.</u>
<u>RIVERS</u>				
<u>Albany River Basin</u>				
Albany River	51	33	88	33
Balkam Creek	50	11	86	43
Brightsand River	49	36	90	34
Cat River	51	11	91	36
Cheepay River	51	27	83	26
Kawashkagama River	50	26	87	09
Kenogami River	50	58	84	36
Muswabik River	51	32	85	05
Opichuan River	51	10	87	46
Pashkokogan River	51	02	90	12
Shekak River	49	45	84	24
<u>Attawapiskat River Basin</u>				
Attawapiskat River	53	06	85	05
Otoskwin River	51	49	89	36
Pineimuta River	52	18	88	45
<u>Moose River Basin</u>				
Abitibi River	50	36	81	25
Kapuskasing River	49	25	80	26
Missinabi River	49	37	83	16
Moose River	50	49	81	18
<u>Severn River Basin</u>				
Flanagan River	52	49	93	27
Morrison River	53	48	91	50
Sachigo River	53	27	92	17
Severn River	55	22	88	19
Shade River	53	33	91	09



L O C A T I O N	L A T .		L O N G.	
NAME	DEG. MIN.		DEG. MIN.	
<u>Winisk River Basin</u>				
Asheweig River	53	43	87	57
Pipestone River	52	34	90	14
Winisk River	54	31	87	14

The above river stations have been monitored for the following parameters: Silica, Iron, Calcium, Magnesium, Sodium, Potassium, Sulphate, Chloride, Fluoride, Boron, Total Phosphorus, Nitrate, Total Kjeldahl, Tannins and Lignins, Total Alkalinity, Total Hardness, Total Dissolved Solids, Specific Conductance, Colour, and Turbidity.

#### LAKES

##### Attawapiskat Basin

Attawapiskat Lake (Comp)	52	15	87	55
Attawapiskat Lake (Bot)	52	15	87	55
Streatfield Lake (Comp)	52	08	85	55

##### Moose Basin

Brunswick Lake (Comp)	49	00	83	23
Brunswick Lake (Bot)	49	00	83	23
Pierre Lake (Comp)	49	31	80	44
Pierre Lake (Bot)	49	31	80	44
Remi Lake (Comp)	49	25	82	10
Remi Lake (Bot)	49	25	82	10
Saganash Lake (Comp)	49	04	82	35
Shannon Lake (Comp)	49	47	83	23
Campbell Lake (Comp)	50	18	82	13
Kesagami Lake (Comp)	50	28	80	15
Marquis Lake (Comp)	49	54	80	10
Stringer Lake (Comp)	50	11	80	53

L O C A T I O N	L A T .		L O N G .	
NAME	DEG. MIN.		DEG. MIN.	
<u>Severn Basin</u>				
Agusk Lake (Comp)	54	38	89	30
Big Trout Lake (Comp)	53	45	90	00
Big Trout Lake (Bot)	53	45	90	00
Big Trout Lake Bog (Comp)	53	51	89	53
Kaness Lake (Comp)	52	31	92	30
Kaness Lake (Bot)	52	31	92	30
North Spirit Lake (Comp)	52	36	93	00
North Spirit Lake (Bot)	52	36	93	00
Sandy Lake (Comp)	53	00	93	00
Sandy Lake (Bot)	53	00	93	00
Sandybank Lake (Comp)	53	00	89	45
<u>Winisk Basin</u>				
Atikameg Lake (Comp)	54	15	88	24
Kasabonika Lake (Comp)	53	35	88	30
Shagamu Bog (Comp)	55	05	87	04
Shagamu Lake (Comp)	55	05	87	05
Wunnummin Lake (Comp)	52	55	89	15
Wunnummin Lake (Bot)	52	55	89	15
<u>Albany Basin</u>				
Blue Goose Lake (Comp)	50	00	84	08
Bluejay Lake (Comp)	50	02	84	08
Bluejay Lake (Bot)	50	02	84	08
Bog Lake (Comp)	51	31	85	44
Keezhik Lake (Comp)	54	45	88	30
Keezhik Lake (Bot)	54	45	88	30
Lingen Lake (Comp)	51	55	85	15
Lower Twin Lake (Comp)	50	10	86	31
Lower Twin Lake (Bot)	50	10	86	31
Lucy Lake (Comp)	50	18	87	13
Lucy Lake (Bot)	50	18	87	13
String Bog (Comp)	51	31	85	44
Troutfly Lake (Comp)	51	42	88	55
Troutfly Lake (Bot)	51	42	88	55
Wabimeig Lake (Comp)	51	28	85	35

The above lake stations have been monitored for the following parameters: Silica, Iron, Calcium, Magnesium, Sodium, Potassium, Sulphate, Chloride, Fluoride, Boron, Total Phosphorus, Nitrate, Total Kjeldahl, Tannins and Lignins, Total Alkalinity, Total Hardness, Total Dissolved Solids, Specific Conductance, Colour, Turbidity, Dissolved Oxygen, Temperature, Chlorophyll a, Phytoplankton, and Zooplankton.

ONTARIO MINISTRY OF THE ENVIRONMENT

STATION LISTING FOR THE WATER QUALITY MONITORING PROGRAM IN THE ARCTIC WATERSHED OF THE NORTHEASTERN REGION

STATION NO.	STATION DESCRIPTION	U. T. M.		PERIOD OF RECORD	SAMPLE PARAMETER GROUP NO.
		START DATE	COMMENTS		
002 190064 00102	Mattagami River Downstream from Timmins STP. Arctic Drainage Ontario Moose River Basin	17 0473350.0	5371250.0 4	24 Apr. 68	Monthly G 1
002 190064 00202	Mattagami River Highway 101 Bridge, Timmins Arctic Drainage Ontario Moose River Basin	17 0474100.0	5369000.0 4	24 Apr. 68	Monthly G 1
002 190064 00302	Porcupine River Highway 101 Whitney Township Arctic Drainage Ontario Moose River Basin	17 0487025.0	5371100.0 4	25 Apr. 68	Monthly G 2 & G 4
002 190064 00402	Porcupine River Highway 101 Bridge, Hoyle Arctic Drainage Ontario Moose River Basin	17 0496000.0	5377200.0 4	25 Apr. 68	Monthly G 2 & G 4
002 190064 00502	Abitibi River Downstream from Abitibi Paper Company Arctic Drainage Ontario Moose River Basin	17 0523700.0	5402350.0 4	25 Apr. 68	Monthly G 2
002 190064 00602	Abitibi River Upstream from Abitibi Paper Company Arctic Drainage Ontario Moose River Basin	17 0524325.0	5400950.0 4	25 Apr. 68	Monthly G 2
002 190064 00702	Black River Highway 101 Town of Matheson Arctic Drainage Moose River Basin	17 0539500.0	5376150.0 4	29 Aug. 68	Monthly G 1

ONTARIO MINISTRY OF THE ENVIRONMENT

STATION LISTING FOR THE WATER QUALITY MONITORING PROGRAM IN THE ARCTIC WATERSHED OF THE NORTHEASTERN REGION

STATION NO.	STATION DESCRIPTION	U. T. M.	PERIOD OF RECORD		SAMPLE PARAMETER GROUP NO.
			START DATE	COMMENTS	
002 190064 00802	Mattawishkvia River, Highway 11 Town of Hearst Arctic Drainage Ontario Moose River Basin	17 0310050.0 5506750.0 4	24 Apr. 68	Monthly	G 2
002 190064 00902	Kapuskasung River Upstream from Spruce Falls Paper Company Arctic Drainage Ontario Moose River Basin	17 0396000.0 5473400.0 4	25 Apr. 68	Monthly	G 2
002 190064 01002	Kapuskasung River Downstream from Spruce Paper Company Arctic Drainage Ontario Moose River Basin	17 0395150.0 5477950.0 4	25 Apr. 68	Monthly	G 2
002 190064 01102	Mattagami River Upstream from Abitibi Paper Company Smooth Rock Arctic Drainage Ontario Moose River Basin	17 0453550.0 5458150.0 4	25 Apr. 68	Monthly	G 2
002 190064 01202	Mattagami River Downstream from Abitibi Paper Smooth Rock Arctic Drainage Ontario Moose River Basin	17 0453550.00 5460050.0 4	25 Apr. 68	Monthly	G 2
002 190064 01302	Missinaibi River Highway 11 Mattice Arctic Drainage Ontario Moose River Basin	17 0336150.0 5498000.0 4	23 Apr. 68	Monthly	G 1



ONTARIO MINISTRY OF THE ENVIRONMENT

STATION LISTING FOR THE WATER QUALITY MONITORING PROGRAM IN THE ARCTIC WATERSHED OF THE NORTHEASTERN REGION

STATION NO.	STATION DESCRIPTION	U. T. M.	PERIOD OF RECORD		SAMPLE PARAMETER GROUP NO.
			START DATE	COMMENTS	
002 190064 01420	Mattagami River at Timmins Waterworks Plant River Municipal Water Intake Arctic Drainage Ontario Moose River Basin	17 0473925.0	26 Nov. 72	Monthly	G 2
002 190064 01602	Groundhog River Highway 11 Bridge in Fauquier Arctic Drainage Ontario Moose River Basin	17 0424250.0	25 Nov. 72	Monthly	G 1
002 190064 01702	Gough Creek at Laurentian Ave., Kapuskasing Arctic Drainage Ontario Moose River Basin	17 0396700.0	26 Nov. 72	Monthly	G 1
002 190064 01802	Five Mile Creek at Mouth in Town of Mattice Arctic Drainage Ontario Moose River Basin	17 0336950.0	25 Nov. 72	Monthly	G 1
002 190064 01902	Ivanhoe River Highway 101 and Railroad Bridge Folleyet Arctic Drainage Ontario Moose River Basin	17 0322800.0	24 Feb. 73	Sampled Twice 1973	G 1
002 190064 02002	Nebskwashi River Inlet to Chapleau Lake Chapleau Arctic Drainage Ontario Moose River Basin	17 0322800.0	24 Feb. 73	Sampled Twice 1973	G 1

ONTARIO MINISTRY OF THE ENVIRONMENT  
STATION LISTING FOR THE WATER QUALITY MONITORING PROGRAM IN THE ARCTIC WATERSHED OF THE NORTHEASTERN REGION

STATION NO.	STATION DESCRIPTION	U. T. M.	PERIOD OF RECORD		SAMPLE PARAMETER GROUP NO.
			START DATE	COMMENTS	
002 190064 02102	Nebukwashi River at Lisgar Street Chapleau Arctic Drainage Ontario Moose River Basin	17 0320750.0 5301300.0 4	24 Feb. 73	Sampled Twice 1973	G 1

SAMPLE PARAMETERS FOR EACH GROUP NO. ARE AS FOLLOWS:

- Group 1: B.O.D.5, Conductivity, Turbidity, Free Ammonia, Total Kjeldahl, Nitrite, Nitrate, Total Phosphorus, Chlorides, Water Temperature, and Dissolved Oxygen.
- Group 2: Same as Group 1 plus Total Solids, Suspended Solids, pH, and Phenol.
- Group 4: Sulphates, Total Manganese, Arsenic, Copper, Nickel, Total Iron, Zinc, and Cyanide.

INDEX OF GAUGING STATIONS  
IN THE ARCTIC WATERSHED IN THE NORTHEASTERN REGION  
AS IS AVAILABLE IN THE ANNUAL ENVIRONMENT CANADA  
SURFACE WATER DATA ONTARIO PUBLICATIONS

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Abitibi River at Abitibi Canyon	04ME002
Abitibi River at Iroquois Falls	04MC001
Abitibi River at Onakawana	04ME003
Abitibi River at Otter Rapids	04ME004
Abitibi River at Twin Falls	04MC002
Albany River Near Hat Island	04HA001
Attawapiskat River Below Muketei River	04FC001
Ekwan River Below North Washagami River	04EA001
Frederick House River at Frederick House Lake Dam	04MD002
Frederick House River at Nighthawk Lake	04MD003
Groundhog River at Fauquier	04LD001
Kabinakagami River at Highway No. 11	04JA002
Kapuskasing River at Kapuskasing	04LF001
Kenogami River near Mammamattawa	04JG001
Little Current River at Percy Lake	04JF001
Mattagami River at Little Long Rapids	04LG003
Mattagami River at Smooth Rock Falls	04LB001
Mattagami River Near Timmins	04LA002
Missinaibi River at Mattice	04LJ001
Missinaibi River Below Waboose River	04LM001
Moose River at Moose River	04LG002
Nagagami River at Highway No. 11	04JC002
Pagwachuan River at Highway No. 11	04JD005
Shamattawa River at Outlet of Shamattawa Lake	04DC002
Shekak River at Highway No. 11	04JC003

In addition, the following watercourses in the Northwestern Region have been evaluated in terms of chemical, physical and biological parameters. (Not all parameters have been sampled in each area).

Agimak River	Oliver Creek
Albany River	Otoskwin River
Atikokan River	Pearl River
Atikwa Lake	Peewatai Lake
Bass Lake	Pelican Lake
Black Bay	Peninsula Harbour
Boulevard Lake	Pickle Lake
Bruce-Pakwash Lakes	Pigeon Bay
Caldwell Lake	Pine Bay
Caramat Lake	Rainy Lake
Cloud Bay	Rainy River
Coldwater River	Red Lake
Confederation Lake	Shebandowan Lakes
Corbett Creek	Shoal Lake
Crystal-Marion Lakes	Sturgeon Lake
Current River	Thunder Bay
Elbow Lake	Wabigoon River
English River	Werner-Gordon Lakes
Helen Lake	Winnipeg River
Jackfish Bay	
Jackfish Lake	
Kaministiquia River	
Kenogamisis Lake	
Lake of the Woods	
Lake St. Joseph	
Lake Superior	
Lofquist Lake	
Longbow Lake	
Long Lake	
Lulu Lake	
Manitouwadge Lakes	
Marmion Lake	
Matawin River	
McIntyre River	
McVicar Creek	
Nana Creek	
Neebing River	
Nipigon Bay	

A listing of reports dealing with the water resources of the North is found on the succeeding two pages.

WATER RESOURCES PUBLICATIONS

WATER RESOURCES BULLETINS

General Series

- |      |   |
|------|---|
| 1-1  | Northern Ontario Water Resources Study<br>1966 to 1968, 131 pp.       |
| 1-2  | Northern Ontario Water Resources Study<br>1968 to 1969, 57 pp.        |
| *1-3 | Northern Ontario Water Resources Study<br>1970, 135 pp.               |
| *1-4 | Data for Northern Ontario Water Resources Studies<br>1971, 153 pp.    |
| 1-5  | Data for Northern Ontario Water Resources Studies<br>1972-73, 234 pp. |

NORTHERN ONTARIO WATER RESOURCES STUDY REPORTS  
IN PREPARATION\*\*

- |    |  |
|----|--|
| 1. | Water Resources Report 11 - Ground Water Resources<br>in Northern Ontario, 100 pp. plus maps.  |
| 2. | Water Resources Report 12 - Frequency Analysis and<br>Chemistry of Stream Flows in Northern Ontario,<br>2 maps and descriptive marginal notes. |
| 3. | Water Resources Report 13 - Surface Water Quality<br>of Northern Ontario, text and maps.   |

\* Out of print

\*\* Each report will have associated references. Those which  
are not included in the reports are on file with the Water  
Resources Branch.



REPORTS and BULLETINS  
DEALING WITH WATERS in the ARCTIC WATERSHED  
of the NORTHEASTERN REGION,  
ONTARIO MINISTRY OF THE ENVIRONMENT

- Conroy, N & Keller, W. Biological Evaluation of the Kapuskasing River,  
North of the Town of Kapuskasing, 1970.  
(Ministry of the Environment, 1971)
- German, M.J. The Abitibi River Below Iroquois Falls, 1968  
(The Ontario Water Resources Commission)
- German, M.J. Biological Survey of the Abitibi River, 1967  
(The Ontario Water Resources Commission, December, 1968)
- Keller, W. & Conroy, N. A Report on the Water Quality of Selected  
Lakes in Kettle Lakes Provincial Park.  
(Water Resources Assessment, Northeastern Region,  
Ministry of the Environment, 1975)
- Keller, W. & Conroy, N. The Water Quality of Selected Lakes in the  
Vicinity of Cochrane, Ontario, 1975.  
(Water Resources Assessment, M.O.E.)
- Lammers, W. et al. Water Resources in the Onakawana Area and the  
Anticipated Impact of the Proposed Lignite and  
and Power Development.  
(Water Resources Division, M.O.E., October, 1972)
- Ministry of the Environment. Water Quality Study of the Abitibi River  
Downstream from Iroquois Falls.  
(Environment Ontario, September, 1972)
- Ministry of the Environment. Data for Northern Ontario Water Resources  
Studies, 1971.  
(Water Resources Bulletin 1-4)
- Ministry of the Environment. Data for Northern Ontario Water Resources  
Studies 1972-1973.  
(Water Resources Bulletin 1-5, 1975)
- Ontario Water Resources Commission. Data for Northern Ontario Water  
Resources Studies, 1970.  
(Water Resources Bulletin 1-3)
- Ontario Water Resources Commission. Data for Northern Ontario Water  
Resources Studies.  
(Water Resources Bulletin 1-2, 1970)
- Ontario Water Resources Commission. Data for Northern Ontario Water Resources  
Studies, 1966 to 1968.  
(Water Resources Bulletin 1-1, 1969)

(f) Sewage and Water Supply

Methods applied for sewage and water treatment are for the most part conventional, and similar to those in other areas of the province. Sewage is generally treated in primary plants, where receiving stream considerations dictate primary treatment as being adequate. Otherwise, secondary treatment, usually in the form of an extended aeration or contact stabilization pond, is provided. Little use is made of conventional lagoon systems due to unfavourable terrain. Tertiary treatment or nutrient removal has generally not been required, though two municipalities are required to have it because of potential receiving stream enrichment problems. Disinfection of treated effluent is practiced.

There are a number of considerations that are unique or present special problems in the north when it comes to environmental control and servicing of communities, and the most obvious is climate. Extremely cold weather adds substantially to cost of servicing (watermains must be buried at a minimum depth of seven to nine feet) and presents many operating problems. Problems caused by terrain are important also. Installation of services often requires very expensive rock excavation leading to unreasonably high servicing costs for water and sewer. Rocky and hilly terrain also contribute to the need for many sewage pumping stations, often requiring stand-by power, which also adds significantly to the cost of servicing.

Where services do exist, it is often difficult to get and retain qualified operating personnel. This is, no doubt, due in part to higher salaries available in primary resource based industries.

To complicate servicing problems, much of the North is without municipal structure or is unorganized. Many government programs, including MOE programs, for providing water and sewer services require agreements with municipalities. Hence, non-technical obstacles can hinder provision of essential services.

Other problems are experienced due to the existence of one-industry towns. Problems can exist even while the industry is viable but become extreme when the industry ceases operation, usually because of resource depletion. In these cases, even where services exist, they usually quickly fall into a state of disrepair, leading to environmental problems and threats to the public health.

Finally, in more sparsely populated areas, it is often more costly and difficult to install private sewage disposal and water supply facilities. Drilling for water in rock and importing fill for construction of septic tank and tile bed systems is obviously more difficult than providing the same facilities where there is an abundance of overburden and groundwater.

The following tables list the existing water and sewage treatment facilities located north of the 50th parallel.

Commencing on page 9 -25 is a synopsis of the projects currently being undertaken or planned for Northern Ontario.

# WATER SUPPLY SYSTEMS

MUNICIPALITY	TREATMENT TYPE	CAPACITY		WATERCOURSE	OPERATED BY
		MILLION GALLONS	PER DAY		
Balmertown					
Balmertown Townsite Plant Improvement District	Surface source No treatment	2.600		Sandy Bay (Red Lake)	Municipality
Balmertown Cochenour Townsite Improvement District	Surface source No treatment Chlorination	1.730		Bruce Channel (Red Lake)	Municipality
Ear Falls	Surface source	.250		English River	Ministry
Ear Falls Water Treatment Plant, Township	No treatment Chlorination				
Moosonee Old CFB					Ministry
Moosonee Townsite					Ministry
Nakina	Surface source No treatment Chlorination	.691		Howard Creek	Municipality
Improvement District of Pickle Lake, Pickle Lake Water Works Improvement District	Ground source No treatment Chlorination	0.030			Ministry
Sioux Lookout Municipal Plant Town	Surface source No treatment Chlorination Fluoridation	1.080		Pelican Lake	Municipality



# SEWAGE TREATMENT FACILITIES

9 1 24

MUNICIPALITY	TREATMENT TYPE	CAPACITY		WATERCOURSE	OPERATED BY
		MILLION GALLONS PER DAY			
Balmertown					
Balmertown Townsite Plant Improvement District	Communal septic tanks			Balmer Creek	Municipality
Balmertown Cochenour Townsite Improvement District	Communal septic tanks	0.030		Red Lake	Municipality
Ear Falls Ear Falls Water Pollution Control Plant	Contact stabilization	.250		English River	Ministry
Moosonee at Old CFB				Moose River	Ministry
Moosonee Townsite				Moose River	Ministry
Nakina Municipal Plant Improvement District	Communal septic			Howard Creek	Municipality
Improvement District of Pickle Lake, Pickle Lake Water Pollution Control Plant, Improvement Dist.	Secondary extended Aeration	.02		Kawinogang R.	Ministry
Red Lake, Red Lake Water Pollution Control Plant Township	Contact stabilization	.250		Howey Bay	Ministry
Sioux Lookout Municipal plant Town	Conventional secondary	0.5		Pelican Lake	Municipality

## 49-50°N - NORTHWEST REGION

BEARDMORE 49°-50'N/94°-30'W      Sewer &amp; Water

General Information/Population

Beardmore, located about 60 miles northeast of Thunder Bay, is a small town with a current population of about 850 with an economy based on the primary and secondary forest industry. Up until 1965 the town had a population of 1140 people which was supported by, in part, by a gold mining industry but when this closed down the town's population began to decline to its current level. Based on the possibility of renewed mineral activities through new finds the town and surrounding area are expected to grow in the next few years. For the 20 year design period of the two projects a projected population of between 1000-1200 people by 1990 is expected.

Water

Currently, water supplies for the village are derived from private, individual shallow wells that obtain their water from fine sand or silty sand aquifers running through the area. These systems suffer from two problems; inadequate supply and some contamination due to poorly installed septic tank systems. Of the three possible alternatives to alleviate this problem, deep well supply, lake water or river water, it was found that the river represented the most reliable supply source. In light of this, a package treatment plant with capabilities for treatment in reducing iron content, color and turbidity of the water, providing an 85 IGPM flow plus 60,000 IG storage was recommended. This system, along with an expanded watermain system, would allow for both domestic supply and fire protection as well as an allowance for future population growth.

Sewage

As previously stated, Beardmore is currently serviced by individual septic tank systems, some of which weren't installed or haven't been serviced properly. This presents a health hazard since untreated sewage that collects in open ditches provides breeding places for mosquitoes or other nuisance/hazard insects. In order to remedy this situation two systems, a package mechanical treatment plant and a system of waste stabilization ponds, were considered. Based on construction and future maintenance costs, an unlined waste stabilization pond on the east bank of the Blackwater River across from the town was decided upon.

A new system of sewers would be installed in the town, sewage pumped to the ponds and after 180 days retention the effluent would be released downstream of this town into the Blackwater River during spring and fall high flow periods. As with the water system, this type of set up can be expanded to meet further future population requirements.

Cost (1970 Est.)	<u>Sewer</u> lagoon system	\$399,000 installation
"	<u>Water</u>	
	Treatment Plant	\$250,000 installation \$ 9,500/yr. operation
	Watermain	\$234,000 installation \$ 3,500 maintenance

Geraldton 49°50'N/86° 58' W.

#### General Information/Population

Geraldton, located about 130 miles northeast of Thunder Bay, has a present population of approximately 3100 people, having shown a recent increase after a 12 year decline. Though the economic base currently consists of a saw mill and pulp and paper plant, future expansion of the area's mining activities plus an expansion of the existing Kimberly-Clark plant have resulted in the town being deemed a designated regional center. During the 20 year design period of the sewage and water treatment plants, a projected population of 9000 is expected to be achieved.

#### Water

Water for Geraldton is currently supplied by a diesel pump from Resson Lake and distributed untreated to all lots in the town proper via a central watermain. Plans for updating this supply include the extension of a new intake system further into the lake, the construction of a pre-fabricated treatment plant with capabilities for removing most chemical impurities and a storage system in the form of an elevated tank to provide additional fire protection. Because of the possible limited supply capacity of Resson Lake, the possibility of connecting other area lakes to supply Resson Lake via pumping stations is being reviewed.

#### Sewage

As with the water treatment system, the sewage treatment system for Geraldton area will consist of a pre-fabricated treatment plant, pumping stations and new sewers. Capable of handling a 250,000 IGPD flow and with a plant capacity for treating 400,000 IG, this new system will replace old septic tank systems, most of which are poorly installed and serviced. The treatment process itself will consist of screening and settling of solids, aerobic treatment of remaining solids and chlorination of effluent before being released. Unlike most provincial projects, this one, because of poor planning, building location, and labour problems, has resulted in both hardship to the town people because of construction and treatment inadequacies, as well as possible environmental degradation due to the release of raw sewage into the lake.

<u>Cost</u>	<u>Water</u>
(1976 est.)	Treatment Storage main upgrading \$3,175,000
	<u>Sewage</u>
	Plant main Pumping Station \$2,557,000

Ignace 49° 20'N/91° 40' W.

#### General Information/Population

Ignace, located about 135 miles northwest of Thunder Bay, has a present population of about 750 people. However due to mineral discoveries (copper, lead, zinc) and the establishment of two extraction and refining companies, this area has been designated a growth area, under Ontario's general northern development plan. During the 20 year design period, a projected population of about 3300 people by 1992 is expected to be achieved.

#### Sewage

The work that is being currently undertaken with regards to sewage facilities involves the updating and expansion of both the existing treatment plant and sewers. The existing primary treatment plant is being expanded to not only handle the anticipated growth but also to provide better treatment of the sewage through clarifiers, aerobic digestion of the sludge to reduce bacterial levels and chlorination of effluent before release. As well, existing sewers are being repaired or upgraded in anticipation of any future growth.

#### Water

In Ignace, water service is currently derived from either individual, private wells or from a small water system developed by the Canadian Pacific Railway for its facilities. In developing a new water supply system for Ignace both a treatment facility and complete water distribution system will have to be developed. The source of water supply for the village will be two deep wells located on the east side of town. These wells will have a supply capacity of 645,000 IGPD, but with controls to regulate the flow so storage facilities, such as elevated tanks or reservoirs won't have to be built. In addition, facilities will also be built into the control unit to chemically lower the high manganese and iron concentrations in the groundwater and provide chlorination to the treated water.



Costs

Sewers - Not available

Water - wells, treatment and distribution system (1972 est.)  
\$445,000

Longlac 49° 45'N/86° 35' West

General Information/Population

Similar to the situation in Geraldton, Longlac is a small Town about 25 miles east of Geraldton with an economy based mainly on forest products and wood processing. The present population for the proposed service area (Geraldton plus Longlac Indian Reserve #77) is about 2,300. The projected 20 year design population for 1996 is estimated to be 3,900 people.

Water

Water for Longlac is currently derived from Long Lake where, like Geraldton it is pumped untreated by a central water system to serviced lots in the town. Water for the Indian Reserve is obtained either from the nearby Kimberly-Clark wood processing plant or local stream systems, most of which have water of questionable quality. Future supply for the service area will be provided by a pre-fabricated package treatment plant. With the supply capacity of 1,875,000 IGPD this system will not only supply water for domestic needs and fire protection, but will also serve the requirements of two wood processing plants. Additional fire protection for new growth areas in the future will be provided by a half million gallon elevated storage tank that will supplement the existing 100,000 IG storage unit. As well, the existing water distribution system is to be repaired or upgraded to prevent leaks that are now contributing to the high water consumption rate for the area.

Cost

(1976 est.)

intake	
treatment	
elevated storage	
main repair upgrading	\$2,594,000



## Kenora Region - Kenora, Jaffray-Melick, Keewatin

### General Information/ Population

Ontario's last urban centre before the Manitoba border, the three municipalities of the Kenora Region, Kenora, Norman and Keewatin, presently have a combined population of about 16,800 people. With an economy based primarily on wood and forest products, this area has been designated a growth centre under Ontario's plan for northern development. Though both Keewatin and Norman combined have a large enough population to support their own sewage and water treatment facilities, a limited regional budget and a high cost to service each household has resulted in the decision to link these areas to Kenora's treatment system. This will entail not only the expansion of existing water and sewage treatment systems in Kenora but the establishment or upgrading of pipelines plus support facilities (i.e. pumping stations) to Norman, Keewatin and other immediate areas. With this in mind, and considering this is a designated growth area, a projected design population of 21,600 has been set for 1996.

### Water

Currently, water for the Kenora area is supplied from the Lake of the Woods to a treatment plant where it is chlorinated and fluoridated and supplied to Kenora only. Both Norman and Keewatin are supplied with water pumped directly from the Lake of the Woods to a small buried pipeline system that serves both communities. Because of the terrain and the fact that the pipeline hasn't been buried too deeply, there is a tendency for it to freeze in the winter causing inconvenience to its users. In developing a new system, this pipeline would have to be upgraded to minimize or alleviate this problem. The new treatment facility, to be built right beside the existing plant, would have a daily flow capacity of 2.94 MG and be built with a reservoir beneath it that would have a minimum capacity of 1 MG. As well, treatment processes would be included to reduce or remove any impurities in the water, as they are encountered. Also, a half million gallon standpipe storage system is proposed for Keewatin. The present system services approx. 9,900 people and there are 500 without service in the Kenora area. Upon expansion of this treatment facility and pipe lines, the system is expected to serve 21,500 people in the tri-municipal area.

### Sewage

Under the development plan to extend sewage systems to the areas west of Kenora, the main emphasis is the expansion of the present sewage treatment plant from a 2 million to a 4 million IGD capacity and upgrading of the treatment process. Current problems with the existing treatment system include problems with grit (ie. sand, dirt, etc.) coming in with the sewage and decreasing the effectiveness of the treatment process.

As well, none of the waste products that are aerobically digested sludges are dewatered. Thus liquid sludge is trucked out to a ground disposal site and dumped. In an area of high water tables and bedrock, the dumping of this sewage could result in possible contamination of the surrounding ground or surface water system. The new plant extension will alleviate this problem through longer aeration thus reducing possibly harmful bacteria levels. Also included is a process to solidify the waste sludge through a dewatering process. The remaining liquid effluent is chlorinated and dumped via an outfall pipe into the Winnipeg River where it is diluted and assimilated to an environmentally acceptable level. The present system serves approx. 8,900 with about 1250 in the Kenora region without services. With completion of this system the service will include about 21,500 people in an area encompassing the three municipalities of the Kenora Region.

Cost  
(1976 est.)

Water      expanded treatment plant  
link to Norman and Keewatin  
pipeline upgrading and support  
facilities

\$1,780,000

Sewage      expanded treatment plant  
link to Norman & Keewatin  
pipeline upgrading and support  
facilities

\$2,630,000

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50-51° N.      Northwest Region

Ear Falls      50° 40' N./93° 20' W.

#### General Information/Population

Ear Falls, a small town with a current population of about 1,650 people, is located approximately 45 miles northeast of Kenora. Because of the close proximity of both Ear Falls and Red Lake to the proposed Reed Paper timber development area, these two centres, under Provincial assistance are being developed as possible future growth areas. In Ear Falls this involves the development of a new water treatment system and the expansion of the existing sewage treatment system to handle a projected 20 year design population of 5,000 by 1996.

#### Sewage

Ear Falls is currently served by a sewage collection system that carries sewage to an existing settling tank where the heaviest suspended solids settle out and the remaining liquid effluent is discharged in the English River. There are also some households that use septic tank/tile bed systems for disposal of wastes. The new system of sewage disposal for the plant is to consist of an expanded package treatment plant that will screen and separate the solids,

biologically reduce the remaining solids through aerobic processes in an aeration tank, collect the solids in a sludge holding tank for periodic ground disposal and finally chlorinate the liquid effluent before release via outfall pipe into the English River. The rated treatment capacity of the plant is to be 635,000 IGPD. In addition to the expansion of the plant, new pipeline systems will be put in the old section of town and possibly in the Ontario Hydro properties as well.

### Water

Water for Ear Falls is now obtained by pumping from the English River where after chlorination it is distributed to the serviced lots in town. Under the proposed systems, water would still be obtained from the English River and would then undergo dual filtering, chemical treatment to remove impurities, if necessary, and finally chlorination before distribution. This system with a daily supply capacity of 1 million IG, would also have the clearwater storage reservoir with a 250,000 IG capacity to provide additional fire protection.

### Cost

(1975 est.)	<u>Water</u>	
	Plant	
	Reservoir	
	Sludge Disposal	\$1,600,000

(1974 est.)	<u>Sewage</u>	
	Plant expansion	
	Sludge dewatering	
	Pipeline	\$1,135,000

Nakina 50° 40' N/86° 45' West

### General Information/Population

Nakina, located about 220 miles northeast of Thunder Bay and 40 miles N. of Geraldton was once an active railway center during the steam era. Though the CNR still maintains the division center there as a service stop for trans-continental passenger trains, the population has declined to the present population of 650 people. With the recent expansion of Kimberly-Clark Woodland operations into the area and possible mineral development by Anaconda Mines, the population is expected to increase dramatically. As a result of this expected increase, water and sewer services will be updated to handle a projected design population of 3000 by 1996.

### Water

Water for Nakina residences is supplied from either of two sources. One is a small pumping and treatment facility developed by the CNR for its own use and to which some households have been hooked up. Those not using the railway facilities obtain their water from individual, shallow water wells. Because of the age of the CNR system and the fact that the water obtained from it is of poor quality, both chemically and biologically, an entire new treatment system is to be developed. This is to consist primarily of a deep water well located at a gravel aquifer on the north side of town that will supply water of both good quality and quantity. In addition, chemical treatment to minimize or remove the existing iron concentrations in the water well will be initiated as well as the building of a 50,000 IG storage reservoir. Work will also be undertaken to hook up all existing and new areas to the system and to upgrade any existing distribution systems if necessary.

### Sewer

In Nakina, sewage disposal is currently achieved through the use of septic tanks and tile leaching bed systems. Because of the clay soils they tend to be fairly inefficient and present a health hazard to the community through the collection of untreated effluent in ditches and stagnant water bodies. In order to alleviate this problem and allow for expansion of housing developments for new employees for the new area industries, a two stage sewage disposal plant was proposed. The first stage involved the development of a collection system to transport sewage to a set of temporary settling lagoons and leaching bed systems. This is to be followed by a package mechanical treatment plant that will biologically reduce the solids through aerobic digestion, employ phosphorous removal which will use a large lagoon to allow the phosphorous to exfiltrate into the surrounding land and finally chlorinate the liquid effluent before release into Howard Creek. With a treatment capacity of 375,000 IGPd, this final stage should be completed by the end of 1978.



Cost  
(1975 est.)

<u>Water</u>	Well & Housing	\$1,50,000
	Distribution	
<u>Sewage</u>	Lagoon & tile beds	\$65,000
	Treatment Plant	
	Collection System	\$2,100,000
	Total	\$2,165,000

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Sioux Lookout 50° 10' N./91° 55' W.

General Information/Population

With an economy base dependent mainly upon the activities of the CNR in the area, Sioux Lookout, as a regional rail centre has a current population of 2,750 people. Because it is dependent on the railway the population is expected to remain static during the 20 year design period with a projected population of about 3,000 by 1992.

Sewage

The plans for the sewage system in Sioux Lookout calls for an expansion of the existing system. This involves expansion of the plant from the present biological filter, dual clarification system to that of an activated sludge process. This would biologically reduce the bacteria levels in the waste through an aeration process after first removing as much of the solids as possible. The treated effluent is then passed through a secondary clarifier where the sludge is transported to a holding tank for removal to ground disposal sites. Then the liquid effluent is chlorinated and released into Pelican Lake via an outfall pipe. The new plant with a capacity of 375,000 IGPd will be able to handle any unexpected increase in population should it occur.

Cost  
(1976 est.)

upgrading/expansion of plant	
outfall sewer	
pumps	\$448,000



51-52° N. Northwest Region

Balmertown 51°- 05' N./93° -45' W.

### General Information/Population

Balmertown, located about 120 miles northwest of Dryden, is essentially a community town that has been developed by and has its economic base in the Campbell Red Lake Gold Mine. Unlike most company sponsored towns, Balmertown is well planned and therefore has the potential for expansion if timber developments should occur in the future. With a present population of 1200 the type of sewage treatment system for the area still needs to be finalized. The final design will be sized for a projected design population of 1800. However, should the Reed proposal go through the facilities could be expanded to ultimately accommodate 4000-5000 persons if necessary.

### Sewers

Balmertown sewage disposal needs are currently serviced by two communal septic tank systems on the east side of town. As it stands now both of these systems are overextended resulting in the incomplete treatment of sewage. As well, the liquid effluent from these tanks drains into an open ditch and the solid waste is periodically removed and disposed of on the ground outside of the tanks, both practices presenting a potential health hazard. To alleviate this problem a two stage treatment program has been initiated. The first stage is a temporary measure that involves the expansion of the septic tank plus the addition of chlorination facilities to handle the sewage while a permanent plant is being built. The second stage, the treatment plant itself, will consist of a package treatment plant that employs a biological contact process. Waste will be aerobically treated to reduce bacteria levels and the solids transported to a landfill site while the liquid effluent will be chlorinated before release into the existing drainage ditch and eventually Balmer Creek. This type of system will handle probable design population of 1800 and has the potential to be expanded and upgraded to serve the ultimate population of 4000 if required.

Cost  
(1975 est.)

Plant  
Sludge Disposal  
Collection, Expansion & Upgrading  
\$1,710,000

Cochenour & McKenzie Island 51°10'N./93°55'W.

### General Information/Population

Located in the general area of Red Lake and Balmertown, the separate communities of Cochenour and McKenzie Island are being considered together for improved water and sewer services not only because of their close proximity, but because of the similarity of the problems. Due to the fact that the costs of expanding services on McKenzie Island are beyond the financial means of the residents of the Island, any expansion will be postponed till the future. Cochenour, with a present population of about 750 people, will have its existing water and sewer services expanded to allow for a certain amount of growth anticipated over the next several years. We can't base our expansion plans merely on one large industry locating in the area. They have existing problems which will be dealt with in the upgrading a certain % of growth.

### Water

Water for both Cochenour and McKenzie Island is obtained from the Bruce Channel. In the case of McKenzie Island water is supplied by two companies. One pipes the water directly to his customers, resulting in a boil water order being in effect, while the other company chlorinates the water before distribution. Plans for Cochenour only, at present, call for the upgrading of both water intake and treatment systems, as well as repair or replacement of the present water distribution system.

### Sewer

As with most northern communities, both Cochenour and McKenzie Island are serviced by septic tank systems. In the case of Cochenour, treatment is handled by either individual septic tank and tile leaching bed systems or through the use of one of five communal septic tanks. The former systems tend to be ineffective due to the shallow clay soils of the area, while the latter presents a health hazard due to the ponding of the liquid effluent on the surface or allowing it to drain into local water bodies. On McKenzie Island the situation is similar, though in this case only individual not communal septic tanks are used. While some form of expanded treatment system will probably be built in Cochenour in the near future, no real plans have as yet been developed.

Costs - Cochenour only  
(1976 est.)

<u>Water</u>	Upgrade pumping station relocated intake pipe repair/replace distribution system \$1,000,000
<u>Sewer</u>	Waste treatment plant Collector System \$1,000,000

Pickle Lake 51° - 20' N./90° - 10' W.

### General Information/Population

Unlike most other projects that have been previously discussed, the sewage and water treatment process at Pickle Lake are a joint development effort between the provincial government and Union Miniere Minerail Exploration & Mines Ltd. (Umex). It is located about 350 miles northwest of Thunder Bay, the project involves the development of new sewage and water treatment facilities plus collection and distribution systems for the new townsite being developed around the existing town of Pickle Lake. The three new townsites and one trailer park will house personnel to develop UMEX's area mining holdings of lead, copper, and nickel. Before the present surge of mineral activity, Pickle Lake was the major gold centre that produced 75 million dollars out of three mines before the last one closed down in 1967. With a present population of about 300 people and a 20 yr. design population 3500 people expected by 1998, these new developments will bring much needed support facilities to the existing town in providing an economic stimulus for the whole area.

### Water

Water in the existing section of Pickle Lake and the area for the proposed trailer park is derived from shallow groundwater well systems. In the future, water for all the new areas of the town and for storage purposes will be obtained from a deep well system located near an esker on the east side of town should tests prove this a reliable source in quality and quantity. This type of supply would need little if any, treatment and would only require storage to provide fire protection. if this system does not prove feasible water will be obtained from Pickle Lake which will entail the development of some type of treatment system.

### Sewage

Currently in Pickle Lake sewage is disposed of and treated by either cesspools or septic tank systems. Because of the sandy soils in the area both of these systems tend to operate fairly effectively. Development plans for the new townsites call for the building of a new collection system and a central treatment plant. Depending on how quickly construction of the treatment plant can occur, there is also the option of building a holding tank/oxidation treatment pond system, to service residences until the other mechanical treatment plant is completed. The treatment facility itself will be a package prefabricated extended aeration treatment process. This process, removes solids upon entering the plant, aerates the remaining liquid-solid mixture to reduce bacteria levels, filters the mixture and removes the sludge to a holding tank for periodic ground disposal and finally chlorinates liquid effluent before release to a water system. The process has the dual benefit of not only effectively treating the sewage but because there is no phosphorous removal it may also

encourage algae and therefore fish growth along streams where effluent is released. The cost of developing the treatment plant plus main trunk sewers to it will be carried by the province, but the rest of the collection system and servicing to all new lots will be the responsibility of the mining corporation.

### Cost

(1977 est.)	<u>Water</u>	Wells Treatment Storage	\$435,000
	<u>Sewage</u>	Treatment Plant Collection Main Outfall	\$2,735,000

\*\*\*\*\*

Red Lake      51° - 05' N./93° - 50' W.

### General Information/Population

Due to possible future growth as a result of Reed's timber proposal, and current OHC planning for new subdivision growth, existing water and sewer treatment systems in Red Lake are to be expanded. With a present population of 2300, a 20 yr. design population of 3500 by 1995 is projected.

### Water

Upgrading of the existing water system calls for expansion of distribution service to about 470 people and the improvement of existing systems to another 465 people. As well the supply capabilities of the system will be enhanced by the addition of 2 extra pumps, bringing the total to 5, plus the addition of extra chlorination facilities. In order to supplement the domestic supply as well as providing extra fire protection to new areas of the community, a 350,000 IG elevated tank is to be built.

### Sewers

As with the water system, the program for the sewer system will be the upgrading of the existing systems and the installation of new collector systems to serve an additional 930 people. As well, the existing package treatment plant will be upgraded to the extended aeration process with sludge holding facilities and chlorination of the effluent. Both sewer and water main extensions will utilize the same trench due to the high cost of developing a piped system in a predominantly bedrock environment.

### Cost

(1975 est.)	<u>Water</u>	Upgrading & extension	\$370,000
	<u>Sewage</u>	Plant Expansion	\$727,000
		Upgrade & expansion	\$1,954,000



## 49-50° Northeast Region

Fauquier 49° - 25' N. /82° 00' W.

General Information / Population

Located about 20 miles east of Kapuskasing, Fauquier is a small town with an economy based on a pulp and paper industries in Smooth Rock Falls and Kapuskasing. As with a lot of towns in this region, Fauquier is divided by the main CNR line and highway #11, creating a problem of servicing the two areas. With a current population of 825 people, the plans for expansion of the existing water and sewer service project a design population of about 1,175 by 1987.

Sewer

Sewage disposal and treatment in the town is presently achieved through the use of individual septic tanks. Because of the thick clay or clay-silt subsoils in the area, most systems don't operate as efficiently as they should. This presents a potential health hazard as a result of raw untreated effluent collecting in open ditches. The new treatment system for the community will consist of a 10 acre waste stabilization pond with a 180 day retention capacity. After the end of the retention period, the effluent will be discharged into the Groundhog River during periods of high flow. As well, a collector system will be established to service all lots and transport the waste to the lagoon site.

Water

Water for the town is currently supplied by individual shallow well systems. Originally it was proposed that the new water supply for the town could be obtained using the deep well system. As no treatment would be required using this process, only a storage system would have to be built. It was found however that the supply capabilities of this system were unreliable. Instead, water for the town is to now be obtained from the Groundhog River. Utilizing this system will entail the establishment of a package treatment plant to minimize or remove any impurities as well as the provision of chlorination of the treated water. To provide additional supply for fire protection a 100,000 IG reservoir is to be located beneath the plant. A distribution system is also planned.

Cost

(1977 est.)

Sewer

Lagoon	
Pumping Station	
Collector System	\$431,000

Water

Treatment Plant	
Reservoir	
Distribution	\$645,000



/17

Hearst 49° - 45'N. /83° - 45' W.

### General Information/Population

Hearst, like most northern communities in this area, has an economy based mainly on the timber, wood processing or pulp and paper industries. In upgrading the existing water and sewage treatment plants, an expanded service area will be served as the result of incorporation of the towns of St. Pie X and Louisburg with Hearst. The combined population of these three communities is about 5,045 people with a 20 year design population of 7,975 expected by 1995.

### Sewerage

With the incorporation of these two towns into the Town of Hearst, an expansion of sewer systems was required to service these two new areas. Expansion would entail the expansion of the existing waste stabilization pond facilities from 2 to 4 treatment cells covering an area of about 65 acres. As well, extensions of the existing sewer collection systems to these new service areas will be undertaken.

### Water

As with the sewer system, there will be an expansion and upgrading of the existing water treatment plant. The expansion will be necessary to supply water to the newly incorporated areas while upgrading will result in more complete treatment in removing impurities from the water being obtained from the Mattawishkiwia River. Along with the building of the distribution system to the new service areas, a proposed 435,000 IG elevated storage tank will result in extra fire protection for all communities.

### Cost

(1975 est.)

#### Water

Plant acquisition  
expansion  
elevated tank  
distribution

\$ 3,758,000

#### Sewer

lagoon expansion  
collection expansion

\$3,313,000

/18

Kapuskasings 49° - 30' N./ 82° - 25' W.

General Information/Population

Kapuskasings, with a wood processing and pulp-paper industry based economy is one of the larger urban areas in the northeast region. Because of its size and the fact that it should be able to develop a more diverse economy in the future, Kapuskasing has been designated as a potential growth area. With a present population of 8,030 a 20 yr. design population of 8,830 is expected by 1996.

Sewer

Presently Kapuskasing is serviced by 2 communal septic tank systems. Due to the high inflow of sewage into the tanks, incomplete treatment of the sewage is occurring resulting in raw sewage being dumped into the river. The planned system calls for the establishment of an activated sludge treatment process. This treatment method to treat domestic waste only, will screen and remove solids, aerobically digest the remaining solid effluent to reduce bacteria levels, transfer sludge to holding tanks and finally chlorinate the remaining effluent. Because the sludge has been reduced to a biologically safe level, it is to be used as fertilizer supplement on farms in the surrounding district. With a treatment capacity of 2.3 MIGD there will also be an extension of collector systems to new development areas, thereby making full use of the system.

Cost  
(1976 est.)

Treatment plant	
Collector System	
Pumping Stations	\$3,871,000

/19

Mattice 49° - 30' N/ 83° - 15' W.

### General Information/Population

Mattice is a small community located about 10 miles east of Hearst on Highway #11. It has an economy based mainly on the timber processing but with the closing of all plants, employment is mainly derived from areas outside of the community now. Because of the closing of all of the plants, there has been a moderate population decrease over the past few years to its present level of 760 people. Over the 20 year design period the population is expected to increase, possibly through renewed timber activities, to a projected level of 1100 by 1995.

### Sewers

Sewage disposal in Mattice at present is achieved either through communal or individual septic tank systems. Because of their general inefficiency in silty clay soils more adequate treatment systems have been proposed. The system to be used for future sewage disposal, because of the uncertainty of population growth and the ready availability of clay, is a waste stabilization pond. This system will retain sewage for 180 days at which time the liquid effluent will then be released into the Missinaibi River during high flow periods. Because the town is divided by the river, collection and treatment services will only be provided to the larger area on the east bank of the river.

### Water

Currently, water services in Mattice are supplied from one of six different privately owned communal treatment/distribution systems or from shallow drilled well systems. Both of these types of systems are inefficient, the communal water system due to poor maintenance of equipment and distribution system and the wells because of possible contamination through faulty septic tanks. The planned system of water supply calls for the building of a package treatment plant that would use the Missinaibi River as a supply source. Water would be chemically treated to reduce or eliminate iron concentrates, colour and turbidity. In addition to building a new distribution system for the town, a 100,000 gallon storage reservoir will be also built to provide additional fire protection.

### Cost

(1976 est.)	<u>Sewage</u>	<u>Water</u>
	Lagoon	N/A
	Mains	
	Pumping Station	
	\$310,000	

/20

Smooth Rock Falls  $49^{\circ} - 15' \text{ N} / 81^{\circ} - 40' \text{ W}$ .

### General Information/Population

The current population of the town is approximately 2400 with a 20 yr. design population of 3000.

### Sewer

At present sewage in Smooth Rock Falls is transported by a central collector system for direct release into the Mattagami River. The proposed treatment process, the extended aeration method, (discussed previously) will have a treatment capacity of 360,000 IGPD with release of treated effluent into the Mattagami River. In addition there will be an expansion of collector systems to serve the incorporated community of Kendall which will hook up to the existing collector system.

### Cost

Plant	
Collector Extensions	\$1,300,000

\*\*\*\*\*

Val Rita  $49^{\circ} - 25' \text{ N} / 82^{\circ} - 35' \text{ W}$ .

### General Information/Population

Located about 7 miles west of Kapuskasing, Val Rita, like most northern communities has a primary economic base in the forest or timber products industry. Because of its close proximity to Kapuskasing, Val Rita is essentially a satellite community to the larger urban centre. With this in mind, the population is expected to grow from its present level of 325 people to about 950 people by 1996, the end of the 20 yr. design period.

### Sewers

As with other small northern villages, Val Rita disposes of sewage by the use of individual septic tanks. Because of the clay soils in the area most septic tanks don't operate at an optimum treatment efficiency, resulting in untreated liquid effluent seeping out and collecting in open ditches. To allivate this problem a treatment process using a waste stabilization pond is proposed. The sewage would be pumped by a central collector system to a twin cell lagoon where it would be retained for 180 days before discharge.

### Cost

Collector Systems	
Lagoons	\$645,000

A P P E N D I X      10

Additional Guidelines





## Appendix 10 - Additional Guidelines

- Mining - Effluent Guidelines and Receiving Water Quality Objectives for the Mining Industry In Ontario - 1973
- Environmental Design Considerations for Ontario Mining Operations - 1976
- Tailings Disposal - Recommendations for Site Selection - 1976
- Mine Waste Control in Ontario - 1977
- The Problem of Acid Mine Drainage in The Province of Ontario - 1977
- The Use, Characteristics and Toxicity of Mine - Mill Reagents in the Province of Ontario - 1977
- Decant System Design Considerations for Ontario Mining Operations



APPENDIX 11

THE CANADA-ONTARIO ACCORD





CANADA - ONTARIO ACCORD  
FOR THE PROTECTION  
AND ENHANCEMENT  
OF ENVIRONMENTAL QUALITY



CANADA - ONTARIO ACCORD  
FOR THE  
PROTECTION AND ENHANCEMENT OF  
ENVIRONMENTAL QUALITY

THIS ACCORD is entered into on behalf of the Government of Canada (hereinafter called "Canada") by the Honourable Jeanne Sauv , Minister of the Environment, and on behalf of the Government of Ontario (hereinafter called the "Province") by the Honourable George Kerr, Minister of the Environment.

WHEREAS management of the quality of the natural environment involves maintaining or enhancing the ability of the biosphere to produce a wide variety of resources and conditions useful to man; and

WHEREAS an understanding of the biophysical relationships of ecosystems is fundamental to successful attainment of environmental quality objectives; and

WHEREAS institutional systems established to govern man's activities including his impacts on the natural environment, are superimposed upon natural systems; and

WHEREAS both Canada and the provinces have jurisdictions and responsibilities in the field of environmental quality, including pollution prevention, control and abatement;

THEREFORE, the Governments of Canada and Ontario,

RECOGNIZING that programs aimed at achieving environmental objectives should be planned and undertaken in such a way as to ensure comprehensiveness and eliminate duplication;

AGREE to adhere to the principles and practices stated below in the development and maintenance of complementary programs with each government acting within its jurisdiction;

AGREE to develop new coordinating mechanisms and new complementary programs so that they are in harmony with

existing cooperative or complementary arrangements in related fields flowing either from legislation or administrative practice; and

AGREE to the following principles and practices relating to the protection and enhancement of environmental quality;

#### General

1. This Accord applies to federal-provincial relationships involved in the protection and enhancement of environmental quality. This would generally encompass environmental assessment, design, protection, enhancement and related research.
2. The objectives of the Accord are:
  - (a) to provide a more effective overall effort in the protection and enhancement of environmental quality through better coordination of the activities of Canada and the Province; and
  - b) to provide a broad framework within which specific agreements can be designed to cope with particular problems.
3. This Accord will be in force for a five-year period with provision for revision and/or renewal by mutual agreement if desired by either party at any time.
4. Canada and the Province agree to develop subsidiary agreements dealing with particular environmental concerns of mutual interest.

#### Interpretation

5. In this Accord,

"data" means data which describe the state or condition of the environment at the time collected and against which any change in that state or condition can be measured.

"federal facilities" means works or installations, owned or managed, operated or controlled by Federal Ministries, Departments and Agencies.

"guidelines" means recommended good practices to assist in achieving uniformity.

"objectives" means levels of environmental quality to be attained in either the short-term or long-term.

"regulations" means any rule, order, ordinance, direction, by-law, resolution or other instrument,

- (a) issued, made or established in the exercise of a legislative power conferred by or under any statute, or
- (b) for the contravention of which a penalty, fine, imprisonment or any other measure is prescribed by or under any statute.

"scientific criteria" means the objective quantitative assessment of risks to the receptor due to a particular pollutant in the environment together with the fundamental principles and scientific knowledge on which the assessment is based.

"standards" means legally prescribed limits of pollution.

#### Ambient Environmental Quality Criteria and Objectives

- 6. Canada agrees, after consultation with the Province and all other provinces, to determine and promulgate scientific criteria for air and water quality based upon the best available scientific information.
- 7. Canada agrees, after consultation with the Province and all other provinces, to establish broad national ambient quality objectives for air and water based upon nationally agreed scientific criteria.
- 8. Canada and the Province agree to identify specific geographic areas of joint interest and to establish specific ambient quality objectives or requirements for such areas based upon agreed scientific criteria. Existing agreements would not be affected by such undertakings.

#### National Baseline Pollution Control Requirements and Guidelines for Industry

- 9. Canada, after consultation with the Province and all other provinces, agrees to develop national baseline effluent and emission requirements and guidelines for specific industrial groups and specific pollutants. Specific groups or classifications of industries will be agreed upon from time to time for the purpose of establishing priorities.

#### Environmental Effects

- 10. Canada and the Province agree to have consult freely on possible environmental effects of proposed major developments or redevelopment projects. Canada and the Province undertake to provide each other with data and other general information necessary for an environmental assessment and review.



## Pollution Control Implementation

11. Canada and the Province undertake to carry out pollution control programs for facilities under their respective control to meet agreed objectives and federal and provincial requirements.
12. The Province agrees to establish and enforce requirements at least as stringent as the agreed national baseline requirements. Such requirements would be applied at start-up for all new installations or for installations undergoing major plant modifications. In all other cases the national baseline requirements would be applied as a minimum as rapidly as possible to meet agreed objectives and time schedules.
13. Canada and the Province agree to appoint officers designated by either government to facilitate inspection for compliance with national effluent and emission requirements. Appropriate arrangements for either federal or provincial inspection of federal facilities would be determined by specific agreements.
14. Canada agrees to take enforcement action:
  - (a) at federal facilities unless otherwise agreed to under Clause 13 above;
  - (b) at the request of the Province; or
  - (c) where the Province cannot, or for some reason fails to fulfill its obligations under this Accord, with respect to matters of federal jurisdiction administered by the Province.
15. Canada undertakes to accelerate promulgation of regulations for the safe and sanitary control of wastes from commercial vessels. Canada and the Province agree to cooperate in the control of wastes from commercial vessels at harbour facilities.

## Monitoring and Surveillance

16. Canada and the Province agree to cooperate in monitoring the quality of air and water in areas of joint interest, to carry out surveys and to interpret trends in ambient quality in relation to agreed objectives.
17. The Province will undertake surveillance of the characteristics of effluents and emissions, including their influence on ambient quality and their compliance with agreed effluent and emission standards and ambient quality objectives.
18. Canada and the Province, in concert with other provinces, agree to harmonize monitoring and surveillance methods and analysis systems to ensure comparable results.

19. Canada and the Province, in concert with other provinces, agree to exchange all data freely and to develop procedures relating to the publication of data having due regard for confidentiality or security as may be required.

#### Special Agreements for Accelerated Action

20. Canada and the Province, in concert with other provinces as appropriate, agree to identify environmental problems in areas of mutual concern and to enter into implementation agreements to accelerate preventative actions and the clean-up of specific areas.
21. Canada agrees to assist in the implementation of these accelerated programs by assigning appropriate priorities in available financial assistance programs.

#### Contingency Plans

- 22. Canada and the Province, in concert with other provinces, municipal governments, agencies and industries as appropriate, agree to develop and to implement integrated contingency plans for environmental emergencies.

#### Research, Technical Advice and Training

23. Canada and the Province agree to cooperate jointly or in association with other governments, individuals, universities or industry on research and pollution control technology development programs in support of this Accord.
24. Canada and the Province agree to seek and make available to each other the advice of their technical experts in support of this Accord.
25. Canada agrees, where possible and appropriate, to provide supporting resources for technical training programs which the Province may request and undertake to develop. The type of training programs required would be the subject of discussions between the two governments.

#### Cost-Sharing

26. Where by specific agreement, Canada and the Province undertake joint programs of data gathering, assessment, research and design, cost-sharing will generally be negotiated on a 50/50 basis except where special circumstances indicate other proportions. Canada and the Province agree to adopt procedures for the audit and liquidation of claims for reimbursement with respect to these shared programs.

Other

27. A Canada - Ontario Committee will oversee the implementation of the Accord, consult on environmental matters and recommend on needs for specific agreements under the Accord.

IN WITNESS WHEREOF the Honourable Jeanne Sauvé, Minister of the Environment, has hereunto set her hand on behalf of Canada, and the Honourable George Kerr, Minister of the Environment, has hereunto set his hand on behalf of the Province of Ontario, this 20th day of October, 1975.

Signed on behalf of Canada,  
by the Honourable Jeanne Sauvé,  
Minister of the Environment

Peace. Amen.

IN THE PRESENCE OF

John Leach

Signed on behalf of the Province  
of Ontario by the Honourable  
George Kerr, Minister of the  
Environment

Geo. A. Allen

IN THE PRESENCE OF

Everett Rigg.





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SUBMISSION TO  
THE ROYAL COMMISSION ON  
THE NORTHERN ENVIRONMENT

BY

THE RED LAKE  
BUSINESSMENS ASSOCIATION

PRESENTED AT

RED LAKE

ON

NOVEMBER 14, 1977



ROYAL COMMISSION: THE HON. MR. JUSTICE  
ON THE NORTHERN ENVIRONMENT: E. P. HARTT  
COMMISSIONER



SUBMISSION TO  
  
THE ROYAL COMMISSION ON  
THE NORTHERN ENVIRONMENT

BY

RED LAKE BUSINESSMENS ASSOCIATION  
P.O. Box 336  
Red Lake, Ontario      POV 2MO

PRESENTED AT

RED LAKE  
on

November 14, 1977

ROYAL COMMISSION  
ON THE NORTHERN  
ENVIRONMENT  
416/965-9286

MANULIFE CENTRE  
55 BLOOR STREET WEST  
ROOM 801  
TORONTO, ONTARIO  
M4W 1A5



EXHIBIT # 60

RETYPE FOR PRINTING

CERTIFIED  
TRUE COPY OF ORIGINAL

A handwritten signature in dark ink, appearing to read "C. Vooght", is written over a horizontal line.

November 25, 1977

ORIGINAL SUBMISSION  
CAN BE VIEWED AT THE  
COMMISSION OFFICES AT  
55 BLOOR STREET WEST,  
TORONTO





Attached to Exhibit 60 was a copy of Canadian Department of Energy, Mines and Resources Aeronautical Edition of a map of English River. This was too large for reproduction but can be viewed at the Commission office, 55 Bloor St. West.



HIGHWAY WEST.....RED LAKE- WERNER LAKE- WINNIPEG.

PROLOGUE:

In the development of an area, roads play an important part in shaping the industrial and social aspects of any community so located. To promote business in municipalities in our Northwest, you must have people, and therefore in the initial planning stage, favourable access to and from these communities is essential to their progress. A prime example is the Red Lake area with it's several scattered communities, which sprung up like Topsy at the various Mine sites and of course eventually roads were built to connect them later. One township would have sufficed with advantages accruing at a time when the Mines were producing and capable of lending support.

PROPOSAL:

The Red Lake- Balmertown area is more or less isolated. Highway # 105 running southward to the Trans Canada 108 Miles away, still means a drive of 370 miles to Thunder Bay and 310 miles to downtown Winnipeg wholesale firms, we definitely need a direct road westward to Werner Lake road and Winnipeg. This route would have the following advantages:

1. The distance by road would be approximately 100 miles less to Winnipeg.
2. Freight rates would be reduced. The problem now is that there is very little back haul and thus the present high rates to compensate for lack of revenue on return trips.
3. This direct route would encourage visitors rather than discourage them, since tourists now must drive back over the same road # 105 to Vermillion Bay.
4. This new road would be the start of a new circle route from Winnipeg... Lac Du Bonnet...Red Lake...Vermillion Bay...Kenora..return to Winnipeg or better still via Thunder Bay return on #11 to Fort Frances.
5. This direct route could be the start of a new Northern highway loop Eastward to the Lake St. Joseph area and eventually connect with Highway # 11 North of Lake Superior.
6. It would open up an altogether new region which has it's own resources of timber limits...mineral deposits and tourist areas.





- A. An extension of the present highway # 618 (which is presently under construction by Natural Resources to Trout Bay) from Trout Bay and Douglas Lake area to Werner Lake and the Manitoba boundary...a distance of 50 - 60 miles.
- B. An extension of the present Dixie Lake Road westward to the Werner Lake Road...a distance of 60 - 75 miles.

Route A has the advantage of leading directly into Red Lake, and should be approximately 15 miles shorter. However the terrain South from the Trout Bay area is rugged by nature with numerous ravines, rocks, streams etc. and could be more costly for construction.

Route B has the disadvantage of being 15 - 20 miles further and would meet highway # 105 some 10 miles South of Red Lake and Balmertown. However the terrain with a series of sand ridges and less rock would appear to be less costly.

The Business Men's Association prefer Route A since it is a more direct route into this area second to none. We therefore request the Government of Ontario with the Ministry of Transportation and Communications to make a preliminary survey to determine the feasibility of a direct western route to the Manitoba boundary at Werner Lake and budget funds for the construction of this direct route as soon as possible.

The Business Men's Assoc.

Red Lake.

K.C. McLeod...President.



CA 28N  
Z1  
- 77 N22

SUBMISSION TO  
THE ROYAL COMMISSION ON  
THE NORTHERN ENVIRONMENT

BY

RED LAKE DISTRICT CAMP  
OPERATORS ASSOCIATION

PRESENTED AT

RED LAKE  
ON

NOVEMBER 14, 1977



ROYAL COMMISSION  
ON THE NORTHERN  
ENVIRONMENT

THE HON. MR. JUSTICE  
E. P. HARTT  
COMMISSIONER



SUBMISSION TO

THE ROYAL COMMISSION ON  
THE NORTHERN ENVIRONMENT

BY

RED LAKE DISTRICT CAMP  
OPERATORS ASSOCIATION  
c/o Hugh Carlson  
Box 224  
Red Lake, Ontario

PRESENTED AT

Red Lake

on

November 14, 1977

ROYAL COMMISSION  
ON THE NORTHERN  
ENVIRONMENT  
416/965-9286

MANULIFE CENTRE  
55 BLOOR STREET WEST  
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M4W 1A5

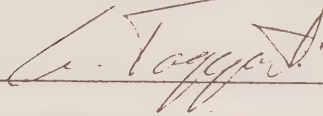




EXHIBIT # 00113

RETYPE FOR PRINTING

CERTIFIED  
TRUE COPY OF ORIGINAL

A handwritten signature in dark ink, appearing to read "L. Taggart", is written over a horizontal line.

November 14, 1977

ORIGINAL SUBMISSION  
CAN BE VIEWED AT THE  
COMMISSION OFFICES AT  
55 BLOOR STREET WEST,  
TORONTO



Justice Hart, Members of the Commission

My name is Hugh Carlson and I am here speaking on behalf of the Red Lake District Camp operators association of which I am a director.

We are a newly formed organization, a group that has a potential of approximately fifty members. Many of our membership have been active in other tourist associations in Northwestern Ontario.

The reasons for forming our association are threefold.

1. To promote tourism in the Red Lake area.
2. To act as a liason between the tourist operator and the Ontario Government ministries that we as tourist operators must associate with.
3. In view of the fact that we feel that the tri municipale committee cannot properly represent our interests our association wishes to represent tourism as it exists in the Red Lake Area, to the commission on the Northern Environment.

We feel that tourism has not realized its full potential in the area but that thru co-ordinated efforts between tourism and industrial developement. we can ensure that one industry does not suffer from the others advancement.





We the Red Lake District Camp Operators will with the aid of the commission endeavor to research the effects of developement on tourism and submit to the Commission on Northern Development our interpretation of the necessary controls to be implemented to protect tourism in the Red Lake Area.

We intend to submit an indepth report on the effects of tourism both directly and indirectly on the economy of the Red Lake area.

We of the Camp operators association feel that the tourism in this area is unique. In view of this fact we wish to extend an invitation to you Justice Hartt to tour some tourist facilities in the upcoming season. It is our feeling that a visit of this nature would further your understanding and would be of valuable assistance to you and the commission.

The Red Lake District Camp Operators Association will continue its participation in the enquiries of the Royal Commission on Northern Environment. and would like at this time to thank the commission for the opportunity to voice our opinion in our area.

Thank You

Thomas Hugh Carlson  
Box 224  
Red Lake Ont  
P0V 2M0



CA2QN  
Z1  
-77N22

SUBMISSION TO  
THE ROYAL COMMISSION ON  
THE NORTHERN ENVIRONMENT

BY

THE RED LAKE INTER AGENCY  
CO-ORDINATING COMMITTEE

PRESENTED AT

RED LAKE  
ON

NOVEMBER 14, 1977



ROYAL COMMISSION  
ON THE NORTHERN  
ENVIRONMENT

THE HON. MR. JUSTICE  
E. P. HARTT  
COMMISSIONER



SUBMISSION TO  
  
THE ROYAL COMMISSION ON  
THE NORTHERN ENVIRONMENT

BY

THE RED LAKE INTER AGENCY  
CO-ORDINATING COMMITTEE

PRESENTED AT

Red Lake

on

November 14, 1977

ROYAL COMMISSION  
ON THE NORTHERN  
ENVIRONMENT  
416/965-9286

MANULIFE CENTRE  
55 BLOOR STREET WEST  
ROOM 801  
TORONTO, ONTARIO  
M4W 1A5





No. 62

Royal Commission on the  
Northern Environment

This exhibit is produced by

*Red Lake Inter Agency*

this 14 day of Nov 1977

*Sgt. [Signature]*

THE RED LAKE

INTER AGENCY CO-ORDINATING COMMITTEE

SUBMISSION

TO THE

ROYAL COMMISSION ON THE NORTHERN ENVIRONMENT

PRELIMINARY HEARINGS

NOVEMBER 14-15, 1977

RED LAKE, ONTARIO



PART I - THE HISTORY OF THE INTER AGENCY CO-ORDINATING  
COMMITTEE

The Inter Agency Co-ordinating Committee (IACC) is a voluntary citizens' committee concerned with and involved in the social and economic development of the Red Lake District. The committee was established in 1970 as a direct response to several specific and pressing needs of the community at that time. It was felt by the various government agency staff that a local group working together on a regular basis could more readily identify needs, and work towards their resolution, than individual agencies working in isolation from each other. Thus IACC was formed and continues to function as a loosely structured group working on an ad hoc basis within the Red Lake, Balmertown municipalities and surrounding unorganized communities.

The present membership includes the following:

Ministry of Community and Social Services

Municipal Welfare

Children's Aid Society

Northwestern Health Unit

Ministry of Culture and Recreation

Day Care Centre

Principals and Guidance Counsellors

Clergy

Private Citizens

#### Local Social Service Boards and Committees

- Harmony Centre (a Sheltered Workshop for the  
Handicapped and Mentally Retarded)
- Red Lake Reception Lodge (Hostel)
- Red Lake Indian Friendship Centre
- Alcohol and Drug Committee

Over the seven years since its formation, IACC has tended to concern itself with specific problem areas such as day care, optometric service and housing rather than address the broader challenge of long term planning for social programme delivery in an isolated area. This orientation has not been the result of a lack of interest in long term needs. Indeed, IACC has in response to Government requests for local input, made considerable effort in preparing and presenting what we felt to be constructive plans for the district.

Our tendency to deal with specifics is a direct result of the very nature of the problems and the context in which we must deal with them. First of all, most of these problems are of a crisis proportion before any attention is given them as a result of the very limited resources available in the immediate district.

Secondly, the staff of the various agencies are for the most part carrying an increasingly heavy work load. Due to the limited services offered by all levels of government, any



agency staff person finds himself administering a number of programmes which in a larger centre would be represented by an equivalent number of staff. Again, these same people tend to sit on numerous Boards and Committees, thus making additional demands on the limited expertise. Therefore, the average field worker in Red Lake - Balmertown has little time or energy to devote to long term analysis and planning for social development.

Finally, and without doubt our most serious reservation with regard to the utilization of our resources in this regard, has been our past experience in making policy recommendations to the Provincial Government. Our major attempts to put forth rational and practical recommendations for local social service delivery programmes, at the request of the Provincial Government, have met with continuing disregard and almost automatic negative reaction. Thus IACC has consciously decided to direct its resources and expertise to more immediate problems over which we feel we may have some control.

PART II - IACC PERCEPTION OF THE ROYAL COMMISSION TO DATE

In writing this preamble, we do so with the intent of making the point that the Royal Commission on Northern Environment must first prove to the citizens of this District, and to IACC in particular, that the effort and energy presently being requested of the local populace to make recommendations will not be another futile exercise in "Brief Writing". It is crucial that this process be the final one in a long series of "requests for local input", and that the next stage be constructive action on the recommendations of the citizens of this region, within the broader context of the geographic area under consideration.

In making this presentation to the Preliminary Hearings, the Committee finds itself in somewhat of a quandary over what is expected in the initial submission. Despite the advantages of the very wide terms of reference within which the Commission is working, it is important for the Commission to understand that guidelines and parameters are essential in order to establish a relevant context for submissions. Even if the guidelines must be altered or expanded at a later date, there must be some finite structure established in order to facilitate meaningful discussion. It is not reasonable to expect citizens or groups unaccustomed for the most part to public participation of this nature, to be able suddenly to discuss a concept as broad as the "Northern Environment".

The low profile approach adopted to date by the Commission has mitigated against the development of a local public awareness about the Commission other than by the established groups and organizations such as municipalities. While presentations from these existing interest groups are inevitable and desirable, it is also essential that the views of the citizens of this district be heard, because their views may not necessarily coincide with those of the established groups. Therefore, it is incumbent on the Commission to facilitate citizen involvement beyond the present affiliations and structures if a realistic overview is to be obtained.

Without the presence of Commission staff working in the region, these Preliminary Hearings are being held in something of a vacuum. There has been no initial field work carried out by the Commission to familiarize the public with the process anticipated or even the significance and meaning of a "Royal Commission" and "Preliminary Hearings". Printed material is useful as a general introduction but is not an adequate substitute for meetings and discussions with Commission staff. The availability of staff would have been more conducive to participation than the apparent absence of any personnel whatsoever. A long distance collect call to Toronto cannot be considered a realistic alternative.

The lack of Commission staff who are living and working in the North can hardly go unnoticed. This approach is

reminiscent of the typical government strategy to appease the North through the eyes and ears of "southern experts". As long as this strategy is continued, the Commission will inevitably narrow the potential input to those groups already in existence.

The minimal utilization of local media, particularly the press, has again reinforced the image of a Toronto based Commission. Although not an entirely adequate substitute for personal contact, the presentation of the Commission, its objectives and guidelines, through a series of articles in local newspapers could have enhanced the level of public awareness considerably, especially as an introduction to the Preliminary Hearings.

Another source of important input throughout the North must be the students presently in Grades 12 and 13. For it is this group who will have so much to lose or gain in any future developments. Their views are worthy of consideration during this process of consultation.

Finally, if the Commission sincerely wishes to precipitate real public discussion, it must understand that the average citizen may not feel that he or she has the experience or expertise to make a presentation to a Royal Commission in its present context. Without a considerable change in strategy by the Commission, it will not achieve one of its stated goals - that is, learning from the residents of the North their aspirations and expectations for the future.



PART III - IACC AREAS OF CONCERN

IACC in identifying areas of concern for consideration by this Commission does so having made the following assumptions.

1) The economy of the Red Lake District is one based on the extraction of primary resources, both renewable and non-renewable. The resulting boom and bust growth cycle inherent in such primary industry towns almost inevitably leads to their eventual decline. In order to avoid this historical cycle, IACC supports in principle a diversification of the existing economy through the introduction of secondary and tertiary industry. We feel that the long term protection provided through secondary and tertiary industries must be part of the overall economic goals in order to alleviate the insecurity of a one industry town.

2) The inevitable by-products of industrialization such as increased population, greater demands on existing facilities and resources, and the transient nature of some labour groups must be anticipated and planned for. It is crucial that a re-evaluation of existing environmental standards be conducted in order to maintain the northern environment. The planning and developing of an adequate level of relevant social and community services must become priorities for all levels of government, industry and the population in general.



3) The various levels of government must not only commit themselves to a rational growth strategy, but must also commit the means to implement the strategy, whether they be financial, legislative, or of a human resource nature.

Given these general assumptions, we would like to outline very briefly at this time, those factors which must be considered if an expanded economic base and the resulting population increase are to be part of our future. We should also emphasize that these problems without exception already exist in the present communities. Thus any development will not only accentuate them, but also introduce new ones, thereby placing an even greater burden on the existing structures and services.

1) HOUSING

- (a) - the shortage of adequate shelter at a reasonable cost
- (b) - the lack of reasonably priced serviced lots
- (c) - the proliferation of patch work solutions due to little concentrated effort in this field
- (d) - the necessary acceptance of substandard and over crowded housing

2) HEALTH

- (a) - the need for more specialized medical services locally or alternative provision for providing them

- (b) - the high cost of acquiring specialized treatment both to the individual and to the government when care must frequently be provided outside the province
- (c) - the often inappropriate nature of treatment received in larger centres because it is administered outside the physical environment which causes or contributes to the condition - for example, mental health or tuberculosis
- (d) - the lack of any Home Care Programme for the aged and chronically ill

### 3) TRANSPORTATION

- (a) - the inadequacy of present transportation links by road, rail and air to larger urban centres, with the resulting high cost for goods and services

### 4) RECREATION

- (a) - the very limited facilities in existence and the resulting lack of space for certain activities - for example, public skating
- (b) - the lack of an adequate tax base to finance new facilities
- (c) - the general lack of planning of joint facilities by the three municipalities of Red Lake, Balmertown and Ear Falls
- (d) - the inappropriateness of certain regulations regarding recreation facilities in a northern environment

- (e) - the proliferation of problems such as delinquency due to the insufficient recreational programmes

#### 5) SOCIAL SERVICES

- (a) - the difficulty experienced by local staff in providing social services due to the number and variety of demands outside their field of responsibility and expertise
- (b) - the total lack of federal representation at a local level in the social service field - for example, Manpower
- (c) - the lack of Government recognition of the deficient level of professional supervision and consultation available to workers in small isolated communities
- (d) - the lack of suitable credit programmes designed to upgrade social agency staff whilst working on the job

#### 6) CULTURE

- (a) - the lack of cultural activities such as the performing arts, even on a seasonal basis
- (b) - the lack of professional stimulation sufficient to attract specialists into the District - for example, advanced music and art instructors
- (c) - the virtual absence of an organized approach by the university community to provide cultural and educational development opportunities to Northern residents

7) EMPLOYMENT

- (a) - the underemployment of certain groups of people with specialized skills and talents
- (b) - the lack of alternative employment opportunities
- (c) - the assumption prevalent in single industry, male dominated communities that women can contribute only in a domestic setting or in low skill, low status employment

8) GOVERNMENT

- (a) - the continuing indifference of government policy and decision makers to the identified needs and recommendations as specified by the residents
- (b) - the inadequacy of service provided by travelling bureaucrats of the "south" with romantic notions about the "north"
- (c) - the continuing belief by Government that "decentralization", "reorganization", and "creation" of new ministries is the long awaited panacea for our problems

9) MEDIA

- (a) - the persistent bias presented in the urban media about the north
- (b) - the misrepresentation by the media of the facts, events and resident expectations in order to proliferate southern myths about the north
- (c) - the frequent patronizing and simplistic presentation of the region's needs and interests

While the preceding is not meant to be an exhaustive list, it covers the basic areas that we feel should be of concern to this Commission. Many of them are only symptomatic of the more fundamental problems of poverty and alcoholism so prevalent in northern communities. By addressing itself to these specifics, the Commission hopefully will make recommendations which will alleviate them, not exacerbate them.

We are attaching copies of a number of Briefs which have been prepared by IACC in the past. They should provide the necessary background to these remarks and to our formal submission which will be presented at a later date. In it we will attempt to deal with the specifics listed above within the context of potential long term development and with an emphasis on rational and practical recommendations.

We look forward to further dialogue with the Commission and thank you for the opportunity to make our views known.

In closing, may we offer the following quotation:

"WE TRAINED HARD ... BUT IT SEEMED THAT EVERY TIME WE WERE BEGINNING TO FORM UP INTO TEAMS WE WOULD BE REORGANIZED ... I WAS TO LEARN LATER IN LIFE THAT WE TEND TO MEET ANY NEW SITUATION BY REORGANIZING: AND A WONDERFUL METHOD IT CAN BE FOR CREATING THE ILLUSION OF PROGRESS WHILE PRODUCING CONFUSION, INEFFICIENCY AND DEMORALIZATION."

Petronius Arbiter, 210 B.C.



PART IV - IACC BRIEFS AND INVOLVEMENTS

1970 - A Place to Stand, A Place to Grow, Ontari - ari - ario

1971 - Red Lake Day Care Centre

- Alcohol and Drug Committee Brief
- Working Paper For Economic Development of Red Lake
- Working Paper on Social Development for Red Lake

1972 - McDougalville Survey

- Transportation to Health Services

1973 - Violent Deaths Among Status and Non Status Indians

- Reorganization of the Ministry of Community and Social Services - IACC Brief
  - IACC Proposal for the Reorganization of the Ministry of Community and Social Services
  - Proposal for the Reorganization of Social Services, Kenora, Ontario
  - Resume of the Feelings of IACC Looking at the Proposed Reorganization Plan for Social Services in the Kenora District
- Proposal Re Medical Social Worker for the Red Lake District

1974 - Philosophical and Working Plan Approach Adopted for the Preparation of A Proposed Green Paper "Planning For Social Planning", Ministry of Community and Social Services

- IACC Response to "Planning For Social Planning"

...14

- A Submission to the Task Force on Legal Aid Plan in Ontario submitted by the Red Lake IACC
- A Presentation to the Cabinet Committee on Social Development
- Optometric Service

1975 - Harmony Centre

- Red Lake Community Centre
- Red Lake Reception Lodge



A place to stand  
A place to grow . . .  
Ontari - ari - ario

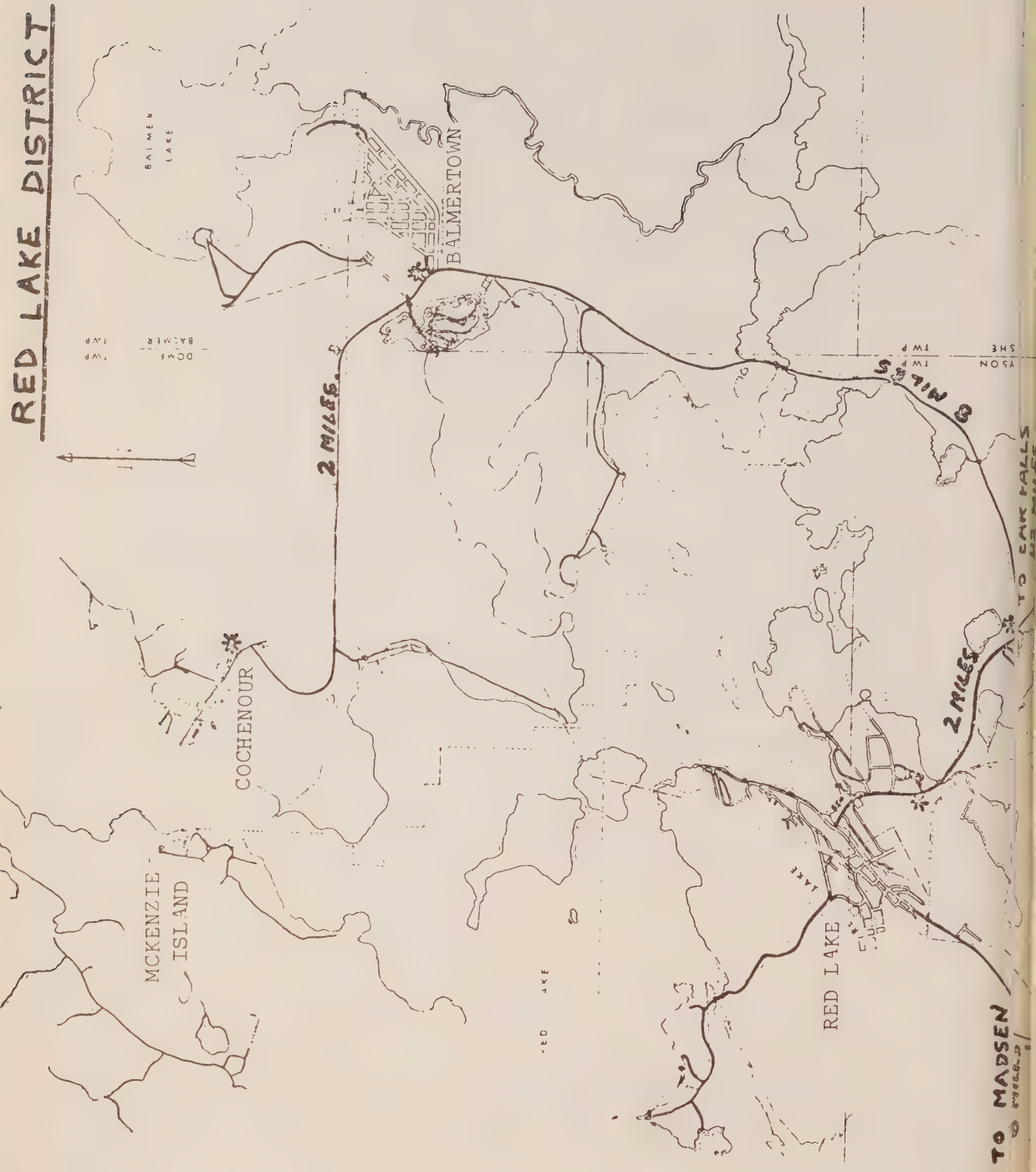


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RED LAKE DISTRICT



## INTRODUCTION

In any isolated northern community there are many areas of development which require attention. However, without the basic human prerequisites of adequate housing and healthful living conditions, any programs initiating education or employment are destined to fail. The effect of living in deplorable conditions is far reaching - man loses his pride, his desire to achieve, his will to live.

In January, 1972 a Winter Works Project Grant came through for the Red Lake Indian Friendship Centre to do a housing survey of the Red Lake area. Two such surveys have been done in the past by Ontario Housing Corporation. However, their scope was limited to those families which could be contacted within the space of a week. Their recommendation was that twelve houses be built in Red Lake. Unfortunately, twelve houses are only a beginning. They in no way fulfill the myriad of needs and expectations of the people.

Our group conducted the four month long survey on a house-to-house basis in order to obtain a truly representative picture of the district. In this report we hope to do more than present a technical view of the housing situation in the area. We want the pages to portray the people, the culture, and most of all, the true potential of our northern wilderness.

## SURVEY PROCEDURE

During our first week of operation, we formulated a suitable questionnaire for circulation. One of our main concerns was to keep it brief requiring only minutes to complete. Unlike many of the sample questionnaires we consulted, we made an effort to avoid offensive probings into any personal questions not directly related to housing. Our six surveyors, all local residents, were encouraged to familiarize themselves with the questionnaire to make the interview as relaxing and informal as possible. All homes with Indian occupants were covered by native people.

The completed questionnaires were checked daily and filed away. On a huge wall map we color-coded the houses using four very general categories:

- 1) Excellent - no repairs necessary
- 2) Good - minor repairs necessary
- 3) Fair - major repairs necessary, particularly to roof and foundation.
- 4) Poor - demolition necessary

Naturally such generalizations often involve value judgement on the part of the surveyor. The purpose of the coding was to zero in on problem areas and be able to tell at a glance where we should concentrate our energies. We also kept a close check on vacant lots and unoccupied houses (the latter were usually condemned).

We regularly held staff meetings to discuss any problems which may have arisen as well as to reveal some of the opinions and preferences we had discovered in the community. Articles in the local newspaper tried to encourage feedback from the public. We realized that without involvement by the people every step of the way our final report would be invalid.

FORMAT OF QUESTIONNAIRE

PLACE \_\_\_\_\_

DATE \_\_\_\_\_

PART I            HOUSE

1. Rented or owned? Cost \_\_\_\_\_
2. Land owned by \_\_\_\_\_
3. Type of structure: single or multi-unit?  
log, sod, frame, other?
4. Age of house \_\_\_\_\_
5. Size of House \_\_\_\_\_
6. Number of rooms \_\_\_\_\_
7. Types of rooms \_\_\_\_\_
8. Foundation: skids, concrete sill, basement
9. Toilet: indoor (type) \_\_\_\_\_ outdoor \_\_\_\_\_
10. Windows \_\_\_\_\_
11. Heating (type) \_\_\_\_\_ Cost \_\_\_\_\_
12. Chimney (type) \_\_\_\_\_
13. Lighting (type) \_\_\_\_\_ Cost \_\_\_\_\_
14. Water (type) \_\_\_\_\_ Cost \_\_\_\_\_
15. Garbage disposal \_\_\_\_\_

General Conditions of House

1. Exterior walls: type \_\_\_\_\_ Condition: good, fair, poor
2. Interior walls; type \_\_\_\_\_ Condition: good, fair, poor
3. Roof and ceiling: type \_\_\_\_\_ Condition: good, fair, poor
4. Flooring: type \_\_\_\_\_ Condition: good, fair, poor

Furnishings

1. Beds:                      adequate, inadequate  
2. Kitchen:                  adequate, inadequate  
3. Living room:              adequate, inadequate

PART II        PEOPLE

Occupants:

father \_\_\_\_\_ age \_\_\_\_\_  
mother \_\_\_\_\_ age \_\_\_\_\_  
children \_\_\_\_\_ ages \_\_\_\_\_  
\_\_\_\_\_

Others in home:

name	age	relationship	children	age

Income in thousands    1 2 3 4 5 6 7 8 9

Source of income \_\_\_\_\_

How many in household are working? \_\_\_\_\_

Type of employment (permanent, part time, casual)

Ethnic background \_\_\_\_\_

PART III        PROSPECTS FOR CHANGE

1. Repairs required to restore house to favourable living condition: none, minor, major, forget it  
2. Does family wish to repair the present home?  
3. Does family wish to build new home? \_\_\_\_\_ Buy or rent?  
4. Does family object to moving elsewhere? If so, why?

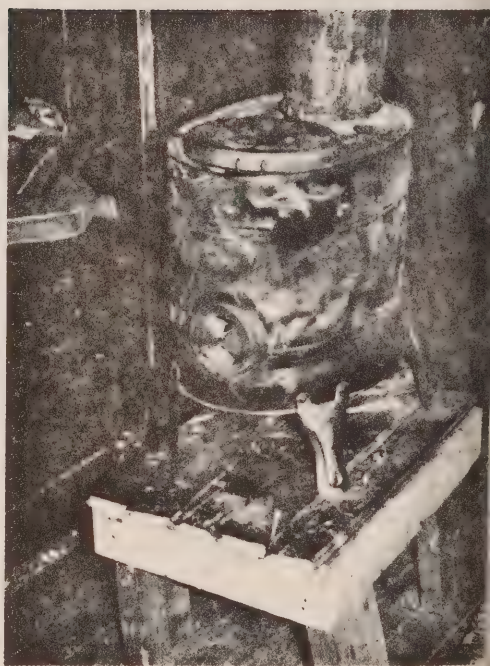


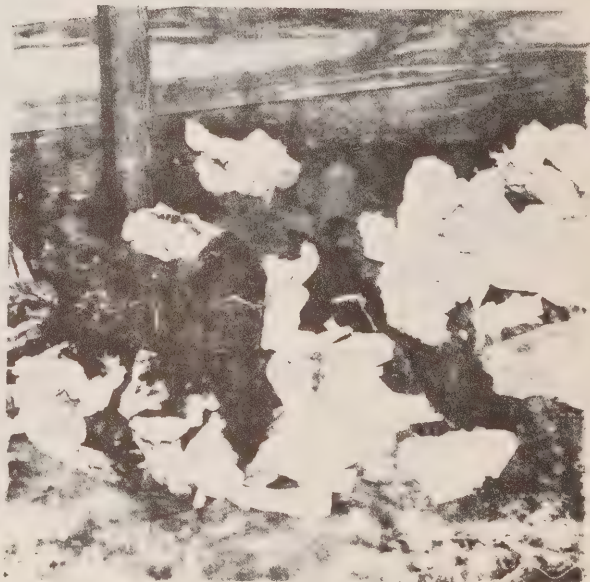
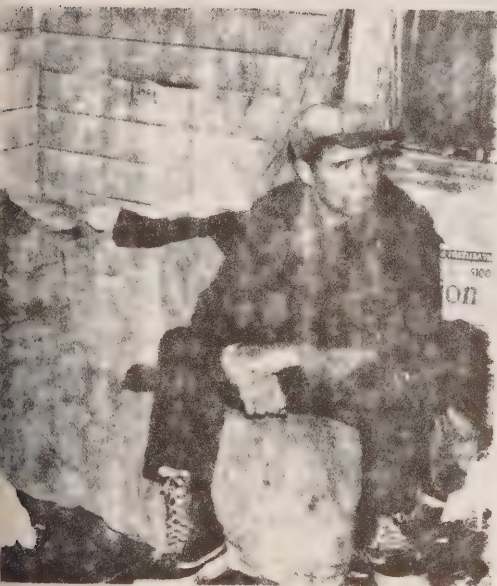
4. Is family able and willing to participate in a program in which they will contribute labour to the house?
6. What does family feel should be done about their housing?
7. Did family have difficulty finding a home in the area? Why?
8. What does family think of the present housing situation in the community? What "types" of houses should be constructed?

PART IV FIELD WORKER'S ASSESSMENT (COMMENTS, RECOMMENDATIONS, ETC.)

housing and were appeased with six prefabricated units. Mainly due to the fact that the houses were totally unsuited to the area, countless difficulties arose. The recent rehabilitation by O.H.C. seems to have done little to increase the life span or the general condition of the units. Meanwhile, the occupants are paying \$50 per month for a house which allows no more than 76 sq. ft. of floorspace per person.

The armchair sociologist could have a field day arguing solutions. However, there is one fundamental point which cannot be disputed. The lumping together of people into substandard housing breeds undesirable subcultures with social and economic problems to burden the whole society. Any programs initiating a potential ghetto-like conglomeration of houses should be strongly discouraged.





BY ALLOWING THESE CONDITIONS TO EXIST, ARE WE NOT  
IN EFFECT SUPPORTING THE SLOGAN: "SUBSTANDARD  
HOUSES FOR SUBSTANDARD PEOPLE." ??



Everywhere we turned in Red Lake we met the indignant cry for more houses. We feel we can justifiably conclude that there are 94 so-called "poor" houses requiring demolition and another 80 "fair" houses in need of very major repairs. Many people with houses in the latter category were searching for something better and did not want to invest money in their present home. We encountered several cases of landlords capitalizing on substandard houses. Because their shacks were so indispensable to the housing market, they felt no qualms about charging unfair rents and no obligation to maintain upkeep. Local residents are not the only victims of misfortune. Many prospective residents of Red Lake have had to refuse jobs due to the dire housing shortage.

As mentioned before, Ontario Housing Corporation is attempting to meet the need by building twelve new homes on a rent-geared-to-income basis. However, construction is scheduled to begin in the fall, a full two years after their survey was published. Perhaps this is a good time to look at what seems to be the major stumbling block to progress. . .



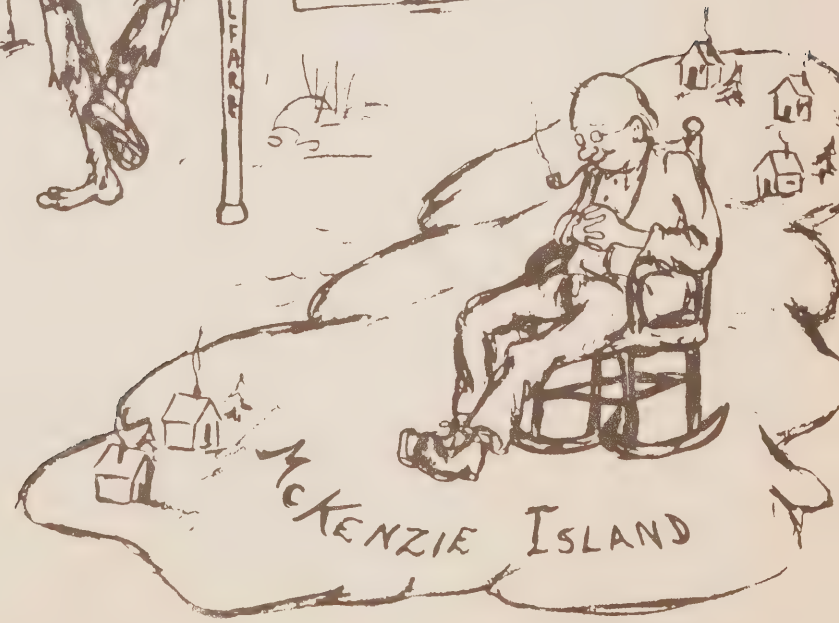
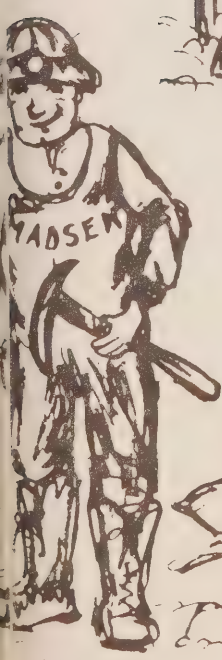
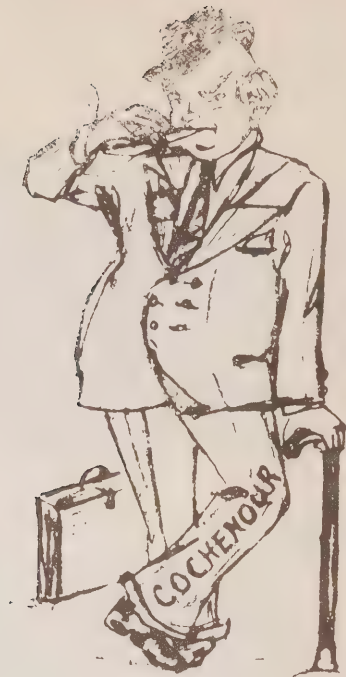
The placement of the water and sewer lines in Red Lake again demonstrates a complete lack of long-term planning. Approximately 50% of the homes are without service. Already people in this area are paying the highest rates in Ontario. . . it seems ironic that these exorbitant rates are rendering services to such a selected few.



In late fall, 1971 the township of Red Lake ran a plastic surface line from the OWRC water system to the McDougallville site. Unfortunately, the line froze up and people spent the long winter fetching water from an ice hole in Howey Bay. Inspectors from the Department of Health took water samples and discovered extremely high counts of Faecal Coliform indicating gross human waste contamination. Those who melted snow for their water supply were hardly in a more enviable position. . . in McDougallville both man and animal seek relief in the nearest snowbank.

Outhouses were virtually non-existent at the time of the survey. With part of our grant we began construction of new privies but had some difficulty obtaining co-operation from the town in the placement of containers for night soil collection. Hopefully with the clearing of the new road this problem will be rectified.

The future of water and sewer extensions is uncertain. OWRC is holding all the cards at the moment. If the stalemate is ever broken, the priorities will be the thirty-six unit trailer park proposed by Griffith Mine as well as the new hospital on Highway #105. No one wants to build on unserviced land . . . too many have made that mistake. Some of the people we visited were absolutely outraged at the present situation. They built new bungalows with modern bathroom fixtures on the empty promise that services would be installed shortly. And still they daily carry their faithful bucket behind the town office for water.



Every mining community seems to be a self-sufficient world of its own. However, this concept, when carried to an extreme, can act as a destructive catalyst to progress. The moment interdependent communities see themselves as separate entities all actions are self defeating. People must recognize their common goals and act in the interest of the entire district. For this reason all the mine managers were interviewed. We were eager to hear their ideas and opinions regarding the future of this area. In addition, we received their permission to circulate our questionnaire. The following is a brief look at the housing and employment situation in Red Lake's satellite communities.

#### MADSEN

Production at the Madsen Gold Mine began in 1938 and, with continued government subsidies, the future looks promising. There are 106 houses in Madsen most of which can be considered to be in fair condition. In addition to this, the Company owns 41 trailers. All units are reserved for mine employees who pay an average rent of \$40 per month. We were quite surprised to discover twelve vacant houses on the townsite. Later we learned that there was a desperate need for experienced underground workers. The houses were kept as incentive to potential employees, an attractive fringe benefit to the \$2.25/hr. wage.

Some of the employees live one mile east of Madsen at the site of the closed Starratt-Olsen Gold Mine. There are 30 small frame houses here, the majority being in very poor condition. About a third of them have been abandoned. Renovation has possibilities but the lack of sewer and water lines is a source of discouragement.

## COCHENOUR

In striking contrast with Red Lake is the well planned townsite of Cochenour. It was predicted that with the closing down of Cochenour Mine, there would be a sudden surplus of houses on the market. Unfortunately, this has not been the case. Presently, Griffith Mine is purchasing the houses. . . . and most of the people in them now punch a clock at that mine. The few houses that were available when the change-over occurred were rapidly occupied.

There are 152 single dwellings and ten apartment units in Cochenour. All houses are in "good" to "excellent" condition, the majority having been built in the last ten years. The one area of disparity is Hiawatha Drive where Cochenour Mine has reserved fifteen houses for Indian employees. Only a handful of the homes were occupied at the time of the survey. Compared with the other company owned houses, the upkeep of these units had been sadly neglected. The people complained of the complete lack of garbage and night soil collections. One official informed us that the town hoped to gradually vacate Hiawatha Drive and board up the houses. Perhaps, as an emergency measure, these houses could be rehabilitated and moved to other locations.

## BALMERTOWN

Balmertown, while offering a few commercial services, is primarily a dormitory town for two active gold mines, Campbell Mine and Dickenson Mine. When the mines began production in the late 1940's, they initiated the establishment of the Improvement District of Balmertown which provides municipal government for 72 sq. mi. of land adjacent to the townsite. As with any place hit by a mining boom, the town grew overnight.

Today there are approximately 225 family dwelling units as well as bunkhouse accommodations for single men. Both mine managers are investigating ways of meeting the increased demand for housing. The houses they presently own are operating at a slight loss since the standard monthly rent (\$35-\$45) barely covers maintenance. The most serious problem is the bunkhouse situation which raises many social and financial implications. Since the rate of turn-over is fantastically high, the mines are burdened with the soaring cost of training new men. Statistics verify the fact that a married man stays an average of four years. Thus it is crucial for the mines to develop a housing program which will help stabilize the work force.

At one time Dickenson Mine supported an initiative program whereby interest-free loans of up to \$8000 were given to employees interested in building their own homes. However, the mine found that it had no control over the quality of the homes being built. The cheapest materials available were often used. In several cases, the occupants moved and the mine was forced to reclaim houses which required costly repairs.

Surprisingly enough, wages in gold mines are steadily increasing. The minimum wage is \$6000 per annum while the average wage tends to be closer to \$7500. Underground workers are earning \$8500 plus bonuses.

There is a predicted increase of twenty cents per hour in next year's wage scale.



## MCKENZIE ISLAND

McKenzie Island is the townsite for the McKenzie Gold Mine which is no longer producing. The size and geographic location give the community a unique character all its own. Located one mile east of Cochenour across open water, McKenzie Island becomes inaccessible for short periods of time during freeze-up and break-up.

In addition to several vacant houses in the Finntown area there are approximately 50 occupied homes. The majority of the houses, having been built 30-40 years ago, are in need of repairs. Half the people we interviewed worked in the various mines in the area. A surprisingly large percentage were retired miners supported by the Canada Pension Plan.

RESPONSE FROM THE PEOPLE



Population breakdown

Red Lake	2,147
Madsen (includes Starratt-Olsen)	600
Balmertown and Cochenour (includes McMarmac)	1,785
McKenzie Island	<u>250</u>
TOTAL	4,782

Indian Population of Red Lake District 800 \*

\* This figure is only an estimation. The Assessment Office informed us that "the information is not available."

Unlike most reports of this type, we did not have a special research team, a group of analysts, or mountains of research material. We felt that too many strictly factual reports have been done in the past - reports revealing information which could have been as easily obtained from the assessment office over the telephone. Instead, the people themselves are our resource material. Their thoughts and ideas, wants and needs proved invaluable throughout the survey. It is only fitting to devote a section to the truths they spoke.

Any public survey encounters, at one point or another, an unco-operative group of recipients. There are those who simply mistrust questionnaires. Others harbour the misconceptions that the information will be used against them to raise their taxes, increase their rent, expose their salaries, or other such abuses. It was disappointing to find a very noticeable lack of interest in the satellite communities. Their main objection was that parts of the questionnaire were not applicable to company owned houses. . . . a point we do not dispute. However, it seems unfair to label a survey "irrelevant" on the basis of the questionnaire being administered.

In Red Lake we anticipated a language barrier. As was previously mentioned, Indian surveyors covered all homes with native people. To our surprise, the various ethnic "pockets" in the community were extremely co-operative. One Italian woman said she was the only English speaking person in her area and proceeded to help us complete questionnaires for all her neighbours. Others invited us to come back when their school age children could be of assistance. This type of support along with the many telephone calls from interested people was greatly appreciated.

"Terrible", "Disgusting", "Something has to be done" were some of the responses we received to the question concerning the present housing situation in the community. We attempted to channel these responses into more constructive criticisms by asking what "types" of houses people would like to see built. There was an overwhelming support of low rental housing, although there was some concern as to the quality of such structures. It is significant that most people strongly rejected the idea of apartments, preferring the privacy of small single unit dwellings. For people accustomed to wide open spaces, a 'boxed in' feeling seems like quite a sacrifice for upgraded living conditions. Even the mine managers agreed that multi-unit housing was not the answer. They were presently investigating the pros and cons of mobile homes. The short life span of a mobile unit, as well as the additional insulation required to meet the climatic demands, makes it a financially unsatisfactory solution.

For matters of diplomacy we will not quote the various opinions on the sewer and water situation. No large scale housing programs or private enterprises can be initiated without the availability of serviced lots. In October, 1971 the Red Lake Indian Friendship Centre through the help of the Ontario Metis and Non Status Indian Association formed a housing committee comprised totally of native people. At that time, twenty families were interested in building their own homes. After a frustrated search for suitable lots, the committee was forced to dissolve. Several people we interviewed, particularly in the Westerlund and Buffalo areas, formed neighbourhood co-operatives and constructed their own hook-ups with the main line. However, this created much animosity with the township.

The majority of people answered "yes" to the question, "Did you have difficulty finding a home in the area?" There were more than a few instances of married children doubling up with their parents because no other place was available. Unlike the mining towns where a person's job guarantees him a home, Red Lake operates on a "first come, first served" basis. If a mine employee is fired or laid-off for any reason, he must turn to Red Lake. The result is a high welfare rate\* and an overwhelming assortment of social problems.

\* 90 people (including children) were being supported by welfare in Red Lake as of March, 1972.

## GRIFFITH MINE \* HOPE FOR THE FUTURE

The future of any area depends on the stability of its economy. In spite of the high quality of ore being extracted, the various gold mines in the Red Lake area have not been able to escape the overall decline in the Canadian gold mining industry. With the exception of Campbell Mine in Balmertown the mines have (until recently) remained in operation through grants under the Emergency Gold Mining Assistance Act. The establishment of Griffith Iron Mine in 1968 could not have been at a more opportune time.

Our reason for visiting Griffith Mine was two-fold: besides wanting a picture of the employment outlook for the next few years, we were anxious to discuss solutions to the present housing problems. It seems that the survey done by Ontario Housing Corporation (1968) quoted an employment figure of 370 men. . . "This is a higher total than will be required to operate the mine in the future as it includes construction personnel." The prediction proved to be a gross under-estimate. At present there are 450 workers at Griffith Mine - 350 are earning the standard wage of \$3.90/hr. while the remainder are salaried employees. Thirty more families are expected to arrive in the near future as well as an additional 100 men who are being hired for dredging purposes. Experts have given the mine a life expectancy of at least thirty years with equally promising staff increases.

At the time of the interview, the manager's desk was overflowing with applications for housing. The houses in Cochenour are steadily being bought up but this in no way meets the demand. It was interesting to hear of several cases where employees were occupying deserted cabins, summer cottages, in fact anything along Highway #105 with a roof and four walls. The owners of some of the summer resorts reluctantly allowed the occupancy for the winter months but, with the influx of tourists, the squatters will soon be evicted.



The mine manager expressed concern over the undesirable bunkhouse situation. Part of the mining site is devoted to rows of mobile units in barracks formation. Each unit houses 10 single men (it should be noted that, due to the housing shortage, a married couple is presently residing in these quarters). In order to escape the bleak atmosphere of gray walls and smoke stacks, these units were originally stationed just outside Red Lake but the lack of sewer and water facilities necessitated their removal. Placement of these men in more livable conditions is of primary importance.

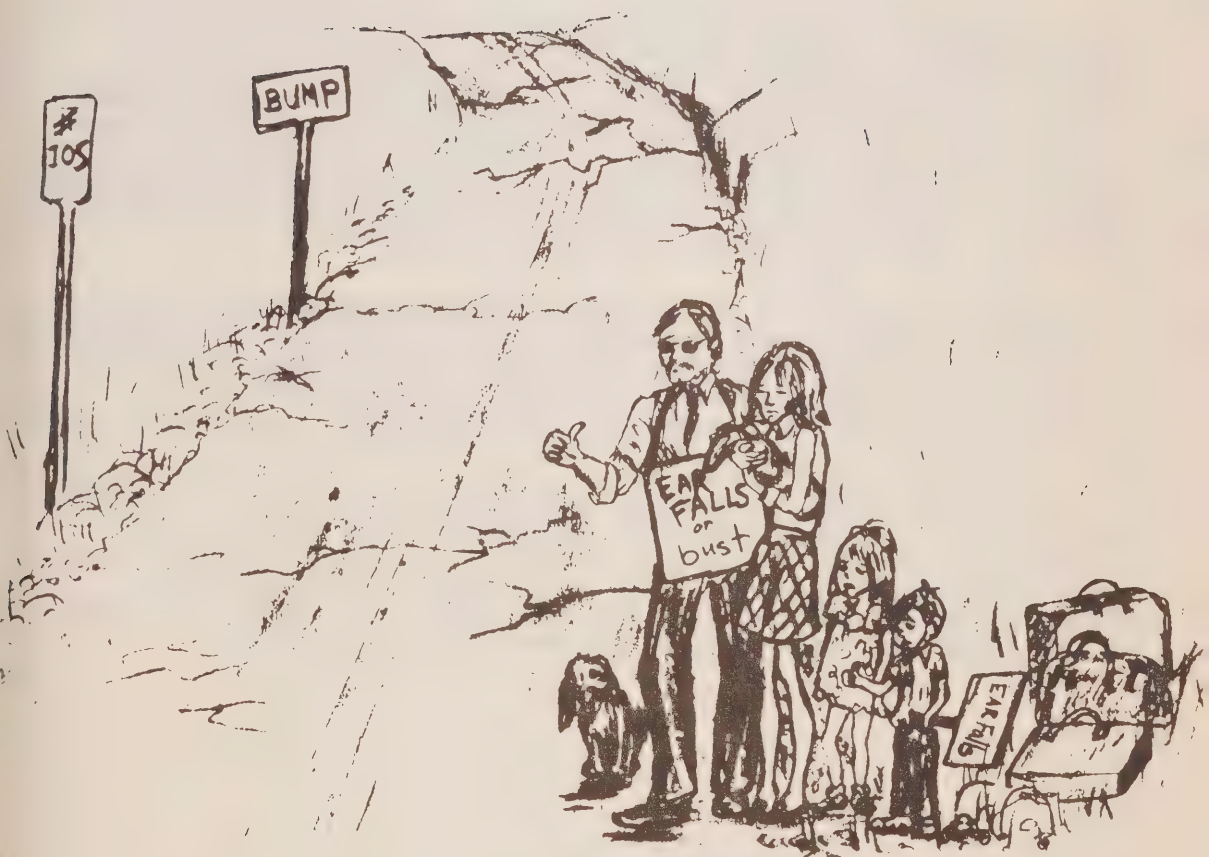
In almost every case, the applicants for housing have specified their preference for Red Lake. Everyone wants to be near the services - the hospital, the high school, and what little entertainment a small town can offer. The Griffith mining development has proposed a 36 unit trailer park to be built on Young St. in Red Lake. The units will be placed on individual landscaped lots and the park will offer all the services of a miniature community. However, there is so much static procuring services for the proposed site that a location may have to be sought elsewhere. This brings us to a very crucial question: "How long can Red Lake maintain its status as a service centre when progress is at a standstill?"

In 1968 Ontario Housing Corporation started building one hundred apartment dwellings in Ear Falls because a suitable lot could not be found in Red Lake. Since that time Ear Falls has been very progressive particularly in the field of housing and recreation. If the present pace continues, it would seem likely that Ear Falls could easily replace Red Lake as the area's metropolis. It already has the advantage of being the next door neighbour of Griffith Mine.

POTENTIAL

MIGRATORY

TREND



## A FEW RECOMMENDATIONS

This study was based strictly on the premise that conclusions reached would be the materialization of thoughts and ideas advanced by the people. Our role was to accurately assess the housing problems of the Red Lake district and suggest what we feel are some concrete, workable solutions. More specific application of this information will be the onus of municipal and provincial governments.

I It seems pointless to rattle off recommendations for better housing when we do not have the basic necessities for healthful living - sewer and water facilities. There are many government housing programs both through O.H.C. and C.M.H.C. but they cannot be implemented without the availability of serviced land. Pressure must be placed on Ontario Water Resources Commission to take immediate action.

II Indian families and permanent welfare recipients are extremely poorly housed. The perpetuation of centres such as McDougallville, Tomahawk Centre, Forestry Road, and Hiawatha Drive is a major stumbling block. The isolation of these areas encourages a form of autonomy, a disregard of the rules and regulations set by the community. There must be a gradual integration of Indian people from the outskirts of town into the core area. In this way, activities such as property damage, drunkenness, and child neglect would be more closely supervised.

Another very valid point is the lack of transportation in these isolated areas which severely curtails social and recreational outlets for the people. This creates a polarization resulting in either excessive drinking or religious fanaticism (local "missionaries" offer transportation to and from church every night).

Shacks which have been condemned by Health Authorities must be demolished so that they will not invite reoccupancy. The possibility of raising certain houses to standard condition (some of the houses in McDougallville as well as vacant houses on Hiawatha Drive in Cochenour) and relocating them within the community should be considered as an emergency suggestion.

III Low rental housing received almost unanimous support from the people. Both two and three bedroom dwellings are required although it is recommended that these are not multi-unit structures. A general counselling and orientation should accompany this program so that recipients can become acquainted with the use, maintenance, and upkeep of the units. Such a counselling should start before occupancy begins and continue until it is evident that the people can handle the situation reasonably. This service could be administered through the Indian Friendship Centre and possibly be financed by National Health and Welfare.

IV There is a need for modern rental accommodation for short-term residents such as teachers and policemen. It is likely that rents much above \$100 per month would not be acceptable.

V It will be impossible to finance and construct new homes rapidly enough to meet the needs of the people. A program should be initiated to allow funds for individuals who may not wish to buy or rent a new home but may simply desire to update or repair their present dwelling. Loans for such purposes could be on a rent-geared-to-income basis with the majority of labour provided by the owner. Subsidized funds should be available for the rehabilitation of houses which could have an increased life span with the addition of some major component such as foundation, roofing, or heating unit.

VI A need has been expressed for some sort of hostel for transients, particularly people coming in from northern reservations for medical reasons or personal business. Trappers coming into Red Lake to sell their furs can no longer depend on the trader for accommodation. Often patients are discharged from the hospital with no place to stay until weather conditions permit a return flight. They usually turn to friends and relatives causing both a financial burden and excessive overcrowding.

VII One of the most disturbing findings of the survey was the fact that the various mining towns operate as little empires of their own. Through the co-operative effort of these communities, a town planning agency could be set up to give scope and direction to the entire area. Such an agency would be able to formulate long-term plans for future development and issue appeals through appropriate channels.

VIII Many people who want to build are concerned about the difficulty of making that first big down payment. The local banks seem reluctant to make large loans for mortgage purposes. At present, Griffith Mine is the only mine which offers employees the possibility of borrowing money for housing. Perhaps the reformation of the Red Lake Dividend Housing Corporation would provide a launching pad for individuals to approach O.H.C. and C.M.H.C.



WE WISH TO THANK THE MANY PEOPLE WHO MADE  
THIS REPORT POSSIBLE.

SPECIAL THANKS TO:

TERRY WINIK FOR THE SKETCHES

AND

BRIAN ENGLAND (PUBLIC HEALTH INSPECTOR)  
FOR THE PHOTOGRAPHS OF MCDOUGALLVILLE



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**GRANT-IN-AID**

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**APPLICATION**

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THE ADDICTION RESEARCH FOUNDATION'S GRANT-IN-AID PROGRAM OBJECTIVES ARE:

- TO ASSIST INDEPENDENT ORGANIZATIONS TO BEGIN TO OPERATE TREATMENT, REHABILITATION, EDUCATIONAL OR COMMUNITY DEVELOPMENT PROJECTS IN THE FIELD OF ALCOHOL AND OTHER DRUG DEPENDENCE.
- TO ASSIST IN THE DEVELOPMENT OF PERMANENT FUNDING ARRANGEMENTS WITH OTHER SOURCES OF ASSISTANCE.

PERSON FOR THIS APPLICATION IS Mel Monk, A.R.F. - Kenora, Ontario



# ADDICTION RESEARCH FOUNDATION

## GRANT-IN-AID SUMMARY DATA

COMPLETE THIS SECTION LAST

APPLICANT ORGANIZATION	
Inter Agency Co-ordinating Committee	
STREET OR POSTAL ADDRESS	
Box 950	
CITY OR TOWN	
Red Lake, Ontario	
CHIEF EXECUTIVE OFFICER	
Ian Harland	
TITLE	TELEPHONE
President	524

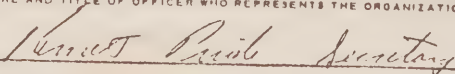
PROJECT FOR WHICH FUNDS ARE NEEDED (IF DIFFERENT FROM ABOVE)	
STREET OR POSTAL ADDRESS	
CITY OR TOWN	
PROJECT DIRECTOR	TELEPHONE

TOTAL ANTICIPATED EXPENDITURES FOR PROJECT DURING FISCAL PERIOD							
FROM	MO.	1	BY	72	TO	MO.	31
April					March		
						73	
							\$ 17,200.00
LESS REVENUES EXPECTED							
FROM ALL OTHER SOURCES							\$ Nil
SUBTOTAL							\$ 17,200.00

AMOUNT REQUESTED IN THIS GRANT APPLICATION FROM	
ADDICTION RESEARCH FOUNDATION	Any amount up to \$ 17,200.00

Application is hereby made for a grant as stated on page 1 of this application. It is understood and agreed by the applicant:

- (1) that funds granted as a result of this request are to be expended solely for the purpose set forth herein;
- (2) that the funds so granted shall constitute the whole of the costs, direct and indirect, which the Alcoholism and Drug Addiction Research Foundation will bear in connection with this operation for the period stated in this application;
- (3) that, on the expiration of the grant, a full report of the operation will be submitted to the Foundation, who will conduct a review of the operation prior to any decision respecting a renewal of the grant.

DATE	Kenneth Pride	Secretary, I.A.C.C.
December 23, 1971	SIGNATURE AND TITLE OF OFFICER WHO REPRESENTS THE ORGANIZATION IN THIS APPLICATION	
	 Kenneth Pride Secretary	



THE CONDITIONS AND/OR NEEDS WHICH THIS PROGRAM HOPES TO IMPROVE (CHECK THOSE APPROPRIATE TO YOUR PROGRAM)

P	SICAL	DRUG OR ALCOHOL REACTIONS <input checked="" type="checkbox"/> ACUTE <input checked="" type="checkbox"/> CHRONIC	OTHER - WRITE IN
PSYCHOLOGICAL		DRUG OR ALCOHOL REACTIONS <input type="checkbox"/> ACUTE <input checked="" type="checkbox"/> CHRONIC	OTHER - WRITE IN
SOCIAL		<input checked="" type="checkbox"/> FAMILY, RELATIVES <input checked="" type="checkbox"/> FRIENDS <input checked="" type="checkbox"/> SCHOOL <input type="checkbox"/> OPPOSITE SEX <input checked="" type="checkbox"/> DEVIANT SUB CULTURE <input checked="" type="checkbox"/> USE OF LEISURE TIME	
ECONOMIC		INADEQUATE CREATURE COMFORTS <input type="checkbox"/> TEMPORARY <input checked="" type="checkbox"/> CHRONIC	INADEQUATE LEGAL SOURCE OF MONIES <input type="checkbox"/> TEMPORARY <input checked="" type="checkbox"/> CHRONIC <input checked="" type="checkbox"/> INADEQUATE WORK SKILLS OR HABITS
INFORMATION		PROVIDE INFORMATION ON DRUGS/ALCOHOL	PROVIDE INFORMATION ON COMM. RESOURCES
EDUCATION		<input checked="" type="checkbox"/> TO INDIVID. <input checked="" type="checkbox"/> TO GROUPS	<input checked="" type="checkbox"/> TO INDIVID. <input checked="" type="checkbox"/> TO GROUPS
OTHER CONDITIONS OF NEED			
1. With regards to the Indian people, there is a great need for cultural improvements 2. To acquaint the rest of the community with the needs of those addicted.			
WHAT EVIDENCE DO YOU HAVE THAT THE ABOVE CONDITIONS/NEEDS ARE RECOGNIZED BY OTHER ELEMENTS IN THE COMMUNITY? The IACC is composed of Public Health, Childrens Aid Society, Dept. Social & Family Services, Township Councillor, High School Guidance Counsellor, Indian Friendship Centre Director, Northern Affairs Officer, United Church Minister and a representative of the local Mines. Also the Municipal Welfare Administrator of Red Lake. We have the support of the Township Council and the local mining community.			

CHARACTERISTICS OF TARGET POPULATION (CHECK THOSE MAINLY APPROPRIATE TO YOUR PROGRAM)

AGE		SEX		EDUCATION	
<input type="checkbox"/> UNDER 11 <input checked="" type="checkbox"/> 11-15 <input checked="" type="checkbox"/> 16-20 <input checked="" type="checkbox"/> 21-25 <input checked="" type="checkbox"/> 26-30 <input checked="" type="checkbox"/> 31-40 <input checked="" type="checkbox"/> 41-50 <input checked="" type="checkbox"/> 50+		<input type="checkbox"/> M <input type="checkbox"/> F <input checked="" type="checkbox"/> BOTH			
EMPLOYMENT STATUS		OCCUPATION			
<input checked="" type="checkbox"/> UNEMPLOYED <input checked="" type="checkbox"/> EMPLOYED <input checked="" type="checkbox"/> FULL TIME OR <input checked="" type="checkbox"/> PART TIME <input checked="" type="checkbox"/> PERMANENT OR <input checked="" type="checkbox"/> TEMPORARY		<input type="checkbox"/> PROFESSIONAL <input type="checkbox"/> CLERICAL/SALES <input type="checkbox"/> PROTECTIVE SERVICE <input type="checkbox"/> HOUSEWIVES <input type="checkbox"/> SEMI PROFESSIONAL <input type="checkbox"/> SKILLED <input type="checkbox"/> OTHER SERVICE <input checked="" type="checkbox"/> STUDENTS <input type="checkbox"/> PROPRIETORS/MANAGERS/OFFICIALS <input checked="" type="checkbox"/> SEMI-SKILLED <input checked="" type="checkbox"/> UNSKILLED OR <input type="checkbox"/> NONE			
OTHER - E.G. MARITAL STATUS, NATIONALITY, NO. OF TIMES TYPICAL CONTACT WAS MOVED IN PAST YEAR.					
Many nationalities - Indian, Polish, German, Italian, Ukrainian etc. Common law relationships are very common. A good portion of this group is transient.					
AGENT INVOLVED WITH		TYPE OF INVOLVEMENT		FREQUENCY OF USE IN 8 MOS. PRIOR TO TRTMENT	
<input checked="" type="checkbox"/> ALCOHOL <input type="checkbox"/> DEPRESSANTS <input type="checkbox"/> BARBITURATES <input checked="" type="checkbox"/> CANNABIS <input type="checkbox"/> HALLUCINOGENS <input type="checkbox"/> NARCOTICS/OPIATES <input type="checkbox"/> SOLVENTS <input type="checkbox"/> STIMULANTS <input type="checkbox"/> OTHER		<input checked="" type="checkbox"/> POTENTIAL USER <input checked="" type="checkbox"/> USER <input type="checkbox"/> USER AND TRAFFICKER <input type="checkbox"/> TRAFFICKER <input type="checkbox"/> OTHER		<input checked="" type="checkbox"/> ALMOST DAILY <input type="checkbox"/> NOT DAILY BUT MORE THAN ONCE A WEEK <input type="checkbox"/> ABOUT ONCE A WEEK <input type="checkbox"/> NOT WEEKLY BUT MORE THAN ONCE A MONTH <input type="checkbox"/> ABOUT ONCE A MONTH <input type="checkbox"/> LESS THAN ONCE A MONTH	

WHAT IS THE ULTIMATE RESULT BY YOUR PROGRAM RE CONDITIONS/NEEDS (I.E. YOUR PROGRAM GOAL)?

1. Rehabilitation of people with drug and alcohol problems
2. Raise social and economic level of the local Indian population
3. Make all local people aware of problems through seminars, meetings and co-ordination of various agency efforts.

WHAT SPECIFIC ACCOMPLISHMENTS DO YOU PROJECT FOR YOUR PROGRAM THIS COMING YEAR (I.E. MEANS OF PROGRESS TOWARD GOAL)?

1. More back up assistance for local Alcoholics Anonymous Workers by providing meeting places and assisting with expenses.
2. Providing two full time Community Development Workers to counsel on alcohol, drugs, budget, homemaking, better use of leisure time and to stimulate pursuit of education.
3. Encourage CMHC, OHC and Township Council to improve housing and start a rental geared to income project.
4. Through Dept. of Social and Family Services have a Day Care Centre established. We have already had plans drawn and submitted.
5. Convince local hospital board of need for detoxication beds.

# ADDITION RESEARCH FOUNDATION-GRANT-IN-AID APPLICATION

## PROGRAM CHARACTERISTICS, METHODOLOGY

D. DESCRIPTION CHECK THOSE APPROPRIATE TO YOUR PROGRAM

EMERGENCY TREATMENT	<input checked="" type="checkbox"/> DETOXICATION	<input type="checkbox"/> OTHER PHYSICAL	<input checked="" type="checkbox"/> NON-PHYSICAL E.G. CRISIS INTERVENTION	<input type="checkbox"/> OTHER - WRITE IN
REHABILITATION	<input checked="" type="checkbox"/> COUNSELLING/ PSYCHOTHERAPY	<input checked="" type="checkbox"/> PHYSICAL	<input type="checkbox"/> GROUP PSYCHOTHERAPY	<input checked="" type="checkbox"/> SELF HELP
			<input type="checkbox"/> SENSITIVITY	<input type="checkbox"/> OTHER - WRITE IN
SERVICE PROVIDED	<input type="checkbox"/> FOOD	<input checked="" type="checkbox"/> CLOTHING	<input checked="" type="checkbox"/> SHELTER	<input type="checkbox"/> MONEY
			<input checked="" type="checkbox"/> JOB PLACEMENT	<input checked="" type="checkbox"/> RECREATION
				<input type="checkbox"/> OTHER - WRITE IN
INFORMATION, EDUCATION	<input type="checkbox"/> TELEPHONE ANSWERING SERVICE (INCL. DRUG INFO/REFERRAL)	<input type="checkbox"/> SPEECHES, LECTURES, ETC.	<input checked="" type="checkbox"/> COURSES, CONFERENCES, ETC.	<input checked="" type="checkbox"/> USE OF MEDIA RESES.
				<input type="checkbox"/> OTHER - WRITE IN
EXPERIMENTAL	<input type="checkbox"/> BEHAVIOUR MODIFICATION	<input type="checkbox"/> AVERSION THERAPY	<input type="checkbox"/> DEMONSTRATION	<input type="checkbox"/> PROGRAM EVALUATION
				<input type="checkbox"/> OTHER - WRITE IN

OTHER/ADDITIONAL DESCRIPTION

Programs geared to miners and specifically those of Indian origin. We will be attempting to provide Alcoholic Anonymous with meeting places and supporting the Red Lake Indian Friendship Centre.

WHAT DO YOU PROJECT AS TYPICAL / AVERAGE FOR DURATION, CAPACITY, VOLUME, OF CONTACT EVENT?

E.G.	<input type="checkbox"/> CASES OR <input type="checkbox"/> CONTACTS	PER	<input type="checkbox"/> DAY (24 HRS) <input type="checkbox"/> OR WEEK	LASTING (EACH)	<input type="checkbox"/> HOUR(S) <input type="checkbox"/> DAY(S)	<input type="checkbox"/> WEEK(S) <input type="checkbox"/> MONTH(S)	CAPACITY	<input type="checkbox"/> AIDS <input type="checkbox"/> CASES/ CONTACTS	<input type="checkbox"/> DAY <input type="checkbox"/> PER WK
------	--	-----	---	----------------	---	---	----------	--	--

ADDITIONAL COMMENTS

WHAT IS (WILL BE) YOUR REFERRAL OR RECRUITMENT PROCESS? - APPEND ANY FORMAL DOCUMENTATION YOU MAY HAVE

REFERRED BY	<input checked="" type="checkbox"/> RELATIVE	<input checked="" type="checkbox"/> FRIEND	<input type="checkbox"/> LEGAL/LAW ENFORCEMENT	<input checked="" type="checkbox"/> SOCIAL AGENCY	<input checked="" type="checkbox"/> HEALTH SERVICES	<input checked="" type="checkbox"/> EDUCATION/ TEACHERS	<input checked="" type="checkbox"/> CLERGY	<input checked="" type="checkbox"/> OTHER - WRITE IN <u>Mine Management</u>
-------------	--	--	---	--	--	--	--	--

ADDITIONAL COMMENTS, E.G. READMISSIONS, RECONTACTS

Many contacts will be made through the local mines. Also, many will come from our programs at the Indian Friendship Centre.

WHAT IS (WILL BE) YOUR INTAKE OR ADMISSION PROCEDURE (COMPLETE ONLY IF APPLICABLE)? ELIGIBILITY & SELECTION CRITERIA, % ACCEPTED - WAITING LIST.

WHAT SUPPORTING EVIDENCE DO YOU HAVE THAT THESE FUNCTIONS ARE NOT OR COULD NOT BE BETTER PERFORMED BY SOME OTHER PROGRAM OR SERVICE? (PROJECTED OR ACTUAL)

1. No other program or group has come forward to do the job in the history of this area.
2. Most local groups are indifferent to these problems until one of them is affected.
3. The Mine Managers and the Township Council are supporting us. They believe that our group is the answer to many local problems.
4. Our group is composed of all local social agencies, government depts., and interested people and they all realize that we are the only service trying to help.

# ADDICTION RESEARCH FOUNDATION-GRANT-IN-AID APPLICATION

## PROGRAM MONITORING

DESCRIBE MANNER AND FORM BY WHICH PROGRAM ACTIVITIES (CONTACTS ADMISSIONS ETC) ARE DOCUMENTED - INCLUDE FORMAL PROCEDURES, INSTRUMENTATION, AND STAFF INVOLVED.

Our two social workers maintain their own records and submit a report to the IACC once a month. Many times a meeting of the IACC may be called to ponder any immediate problem.

DESCRIBE RECORDING OF VOLUME OF ACTIVITIES, CASES, TREATMENTS, ETC. - INCLUDE FORMAL INSTRUMENTATION PROCEDURES AND STAFF INVOLVED. INDICATE APPROXIMATE COST PER CONTACT / VISIT, OR DAY ETC.

We have not done this to date

LIST AND/OR DESCRIBE CRITERIA AND INDICES EMPLOYED TO MEASURE CHANGE OR PROGRAM OUTCOMES - WHAT KIND OF CHANGES, IF ANY HAVE YOU MADE IN YOUR PROGRAM AS A RESULT OF MONITORING OUTCOME?

About the only measure of success in the addiction section that we have, is the number of known alcoholics or problem drinkers missing work shifts at the mines. This is brought to the attention of our AA worker. Another indicator is the number of children from any particular area taken into custody by the Childrens Aid Society. Also, we get information from the High School and from the Public Health Nurse of any problems showing up that we could help with.

DESCRIBE RECORDING OF CHANGE OR PROGRAM OUTCOME INCLUDING FREQUENCY (I.E. BEGINNING / END, PERIODIC, REGULAR, FOLLOW UP ETC.)

# ADDICTION RESEARCH FOUNDATION-GRANT-IN-AID APPLICATION

## PERSONNEL

DESCRIPTION	PRESENT		PROPOSED		INSERT ANNUAL FIGURES	
	PAID	VOLUNTEER	PAID	VOLUNTEER	TOTAL CURRENT SALARY	TOTAL PROPOSED SALARY
NUMBER OF PHYSICIANS (INCLUDING PSYCHIATRISTS)		2		2	None	None
NUMBER OF SOCIAL WORKERS	2		2		12,000/yr.	12,000/yr.
NUMBER OF PSYCHOLOGISTS						
NUMBER OF PROFESSIONALLY TRAINED COUNSELLORS						
NUMBER OF OTHER PROFESSIONALS - (WRITE IN)						
NUMBER OF PEER / INDIGENOUS STAFF		1	1		None	1,200/yr.
NUMBER OF OTHERS - (WRITE IN)						

## ANTICIPATED EXPENDITURE - PERSONNEL

\$ 13,200/yr.

## PLEASE LIST FOR APPLICANT ORGANIZATION

DIRECTORS / BOARD OF GOVERNORS	TITLE	PRIMARY OCCUPATION	ADDRESS
Ian Harland	Chairman	United Church Minister	Red Lake
Ian MacKenzie	Vice-Chairman	Social Worker- CAS	Red Lake
Ken Pride	Sec.-Treasurer	Northern Affairs Officer	Red Lake
Cam McKinnon	Mine Management Representative	Dickenson Mine	Balmertown

## PLEASE LIST FOR PROJECT

DIRECTORS	TITLE	ADDRESS
As Above		

## PLEASE LIST FOR PROJECT

SENIOR EMPLOYEES	TITLE	ADDRESS
Roger and Pauline Obonsawin	Social Workers	Red Lake
Pey Rheault	A.A. Worker	Balmertown

## COMMUNITY AFFILIATION - INCLUDE BOTH PRIVATE CITIZENS AND OTHER ORGANIZATIONS

Red Lake Clinic  
 N.W. Health Unit  
 Township Council of Red Lake  
 ie Managers of all local Mines  
 Indian Friendship Centre  
 Hospital Board-Marg. Cochenour Hospital (New)  
 Dept. Social and Family Services  
 Childrens Aid Society  
 Dept. Mines & Northern Affairs  
 Municipal Welfare Dept.  
 All local Church Groups  
 Red Lakd District High School

# ADDITION RESEARCH FOUNDATION-GRANT-IN-AID APPLICATION

## PRESENT ASSETS

LIST MAJOR PROPERTIES WITH ESTIMATE OF VALUE

\$

## PRESENT LIABILITIES

EG-FOR PROPERTY INDICATE WHO HOLDS TITLE, MORTGAGE AMOUNT, PAYABLE TO, DUE DATE, NAME INCORPORATED UNDER

\$

## ANTICIPATED EXPENDITURES (IN ORDER OF PRIORITY)

NON PERSONNEL - INDICATE WHETHER RECURRING (R) OR NON RECURRING (N)

Travelling Expenses - conferences, car expenses, meetings, etc.

Telephone  
Office Space  
Postage  
Secretarial help

\$

## ANTICIPATED REVENUE

INDICATE WHAT OTHER ORGANIZATIONS CONTACTED, HOW OTHER FUNDS OBTAINED, PLANS FOR PERMANENT FUNDING

Until March 31, 1972, we are using funds obtained in a grant from the United Church Task Force on Poverty. A total of \$8,000.00.

We have approached the following organizations also

- |                                      |                                     |
|--------------------------------------|-------------------------------------|
| 1. Frontier College                  | 13. Kresge Foundation               |
| 2. ARF                               | 14. W.K. Kellogg Foundation         |
| 3. J.P. Bickell Foundation           | 15. Ford Foundation                 |
| 4. Donner Canadian Foundation        | 16. H.G. Bertram Foundation         |
| 5. Atkinson Foundation               | 17. McLean Foundation               |
| 6. Tippet Foundation                 | 18. Dept. National Health & Welfare |
| 7. Johnson Foundation                |                                     |
| 8. Andrew W. Mellon Foundation       |                                     |
| 9. Laidlaw Foundation                |                                     |
| 10. Mary Reynolds Babcock Foundation |                                     |
| 11. Rockefeller Foundation           |                                     |
| 12. Ont. Paper Co. Foundation        |                                     |

\$



ADDICTION RESEARCH FOUNDATION-GRANT-IN-AID APPLICATION

1 PAGE FOR FOUNDATION USE ONLY

REGIONAL COMMENTS

SIGNATURE

DO YOU RECOMMEND THIS PROGRAM FOR A GRANT? ☐ YES ☐ NO IF YES, HOW MUCH \$

SECRETARY (GRANT IN AID COMMITTEE) COMMENTS

SIGNATURE

DO YOU RECOMMEND THIS PROGRAM FOR A GRANT? ☐ YES ☐ NO IF YES, HOW MUCH \$

COMMITTEE RECOMMENDATION

RECOMMENDED FOR A GRANT? ☐ YES ☐ NO IF YES, AMOUNT \$



WORKING PAPER FOR ECONOMIC  
DEVELOPMENT OF RED LAKE

Closely related to the social problems of a community and often a catalytic factor is the economic and employment situation. Red Lake has for many years attracted people because of its image of being a "gold centre" and industrious community. Numerous numbers of people migrate to this community each year seeking employment. With no immediate opportunities available, they are shortly seeking welfare and scrounging shelter from anyone who will provide them a small corner to hang their hats. Often they find themselves drifting to the slum areas because there they will be accepted. This leads to overcrowding conditions, personal depression and general degradation of character and personality. Before long they too are a part of this social problem and sooner or later become chronic unemployables.

Unfortunately, our secondary industries offer only seasonal employment. Such opportunities as trapping, fishing, tourist camp work, guiding, bush work and labour connected with explorations all have their period of lay offs. During this period the men have little to do but to seek shelter in Red Lake and just "hang around." This also is a depressing factor which leads to alcoholism, and personal depression. During the lay off period there is minimal opportunities available to supplement the seasonal employment.

The character of the economic basis of Red Lake does not provide a sufficient variety of full time employment to meet the demands of the people in the area. Most of it is connected with mining and unless one is a miner or has a related trade he must rely on incidental or casual employment. A good number of our residents especially those of Indian ancestry are unable to meet the medical demands for mine work.

There is very little that can be done to alleviate the social problems of a community unless there are opportunities for economic gain for the people. In most cases it is through gainfull employment and meaningful work that a person gains a sense of pride and independence.

The Future of Red Lake: The community of Red Lake has vast opportunities open to it because of its unique geographical location. Being at the end of highway #105 and the most northerly developed community opens to it the opportunity of becoming the service centre for Northwestern Ontario. It has good transportation facilities along with ample power and water supplies. It is in the heart of the finest hunting and fishing area in the province and is surrounded by unlimited natural resources. The growth in the future of Red Lake will depend upon the ability of its people, government structure, service clubs and organizations to provide leadership in making it a viable, well balanced community. Many other communities such as Ear Falls, Sioux Lookout and Armstrong are competing for the opportunities which should be afforded Red Lake.

Proposal for Economic Development

Long Range Plan - To alleviate the present economic and social problems relating to our community it is necessary that some thinking be done on a long range scale. Such a program should produce a long range plan or

"design for development." It is impossible to develop any coherency within a community unless there has been some long range plan. Such a long range plan would determine the nature and character of our community in the future. It would provide a scale of priorities for our needs and would see that the community grows as an integral unit. Such a plan should consider the social, recreational, economical and cultural needs to provide for a stable and well balanced community in the future. Such a plan could be developed with the aid of 'Consultative Services Branch,' of the Provincial Government.

Economic and Resource Officer: The time has come, that if Red Lake is to have an economic growth similar to other communities in Ontario, for the appointment of a full time Economic Development Officer. It is impossible to expect the town administrator (Clerk Treasurer) of a community of this size to spend much time in developing the economic future of Red Lake. This cannot be expected to be done by our elected representatives who have full-time occupations. Because of the lack of such a person the Township of Red Lake has not been able to take full advantage of the incentive programs offered by both the Provincial and Federal Government. At present there is no one with knowledge giving guidance to the economic development of our community nor the co-ordinating and tapping of the unlimited resources at our disposal.

Areas of responsibility might be:

- a) The co-ordinating and designing of a "Long Range Plan" for the community of Red Lake and establishing priority needs.
- b) To research future secondary industries and factories for Red Lake.
- c) The promoting of Red Lake as a Service Centre to the North.
- d) Designing, and applying for special programs for Red Lake made available through government grants.
- e) Negotiating on behalf of the Township of Red Lake.

#### Future Possibilities:

Service Centre of the North - The establishing of Red Lake as a supply and distribution centre for the northern communities. This would mean the providing of various wholesalers and retail outlets with a possible incentive program to locate an outlet in Red Lake for future distribution to northern communities i.e. Foods supplies

stable goods  
Building materials  
Maintenance and repair shops

- The providing of services for such communities as Pikanjikum, Sandy Lake, Deer Lake, Wunnimun Lake, Sachigo, Poplar Hill, Big Trout Lake, Bearskin Lake, Weagnow Lake etc. all of which are closer to Red Lake than Sioux Lookout.
- Medical services on a cost basis to Federal Government
- Hospital and schools
- Social and recreational base
- T.V. and radio communication outlet
- Mail and Transportation depot. (mail is presently flown 244 miles from Sioux Lookout to Sandy Lake and yet Sandy Lake is only 160 miles from Red Lake).



## Economic Expansion

Secondary Industries - Red Lake is greatly in need of secondary industries which will provide a variety of employment opportunities on a year round basis. It has much to offer for factories, and other such industries - an adequate supply of power and water, reasonable freight rates, lower <sup>examples?</sup> labour rate, minimal overhead costs and adequate labour force. A program of selling Red Lake as a future site to locate new industrial plants and factories should be started immediately. By using the Ontario Government Program of "Equalization of Industrial Opportunity" program as an incentive for re-location and expansion of present industries. Under this program, grants are available to qualifying firms up to \$500,000.00 for the establishing of new facilities or the extension of present facilities in the provincial equalization areas. The grants are in the form of interest free loans for a period of 6 years. For each of 5 years 1/10 of the loan is forgiven and at the end of the 6th year, providing the company has remained in the locality...the balance of the loan is forgiven. Such possibilities <sup>again temp.</sup> as the extension of the lumbering industry and pulp cutting, plastics industry, fibre glassing, small machine factory (snowmobiles), garment factory, cabinet making etc. might be some possibilities. Under the present manpower retraining program such industries would be entitled to collect up to 75% of the wages for training new employees in new trades.

Tourist Trade: The summer tourist trade is rapidly becoming a major segment of our economy. There has been very little done to encourage this industry within the district of Red Lake. A program should be designed to make Red Lake the major tourist area of Northwestern Ontario and to encourage this trade for both summer and winter. This should be done by leadership being provided by the local Chamber of Commerce and the Red Lake Businessmen's Association. There has been very little advertisement done up to now selling Red Lake as an ideal tourist area.

Small Industries: There is a great need for the development of small and minor industries within our area. This is especially so for the native people who find it difficult to become a part of the larger complexes. There are numerous opportunities for employment in suitable small industries which might employ or provide an economy for three to five people each. Such industries do not require large financing nor red tape to make available to our area gainful employment for a few. Such adventures would be more suitable for those who are "medically fit for light work only." However, leadership and programming must be provided to have these become a reality. A Corporation or Organization should be formed to give leadership and supervision to bring these possibilities to a reality. Such possibilities as:

- 1) Plastics - the making of plastic ornaments with special emphasis on designs related to the culture of the native people. Such products could be sold locally as well as find a ready market in the tourist trade. Estimated cost to establish such an industry would be minimal (\$1,500.00 for supplies for a year for one person).
- 2) Market Gardening - The establishment of a small market garden with approximately 4 acres under cultivation could provide the economic means for 2 to 3 people. The produce could be grown and sold locally. Assistance and information could be sought through "A.R.D.A." The cost to establish such a venture would be limited to approximately \$1,000.00 plus a lot of labour.



- 3) Snowshoe Industry - there is a large viable market for snowshoes in Canada. This is also a natural industry for people in Indian ancestry. By making use of the Ash and Birch trees in our area and moose hides which are available free from the hunters who process their moose at locker plants, this industry would have limited overhead expense. With a certain amount of instruction 5 or 6 people could be gainfully employed making snowshoes and selling them locally or to markets in eastern Canada. Snowshoes are presently being bought from the manufacturer for \$20.00 to \$22.00 a pair.
- 4) Rough Carpentry Work - A number of our Indian people have shown keen ability and interest in the making of park benches, tables, garbage boxes, etc. under the present L.I.P. This should be encouraged at once and provide perhaps the possibility of making this into a year round employment opportunity. This could employ 3 to 4 people. It needs planning and limited investment to provide a place for these people to work and also to see that they have an adequate supply of materials to work with.
- 5) Guide Training Program - The tourist camps in our area are taking advantage of many of our Indian people by hiring them on as "camp helpers" and then using them as guides. They are being paid limited wages for only 4 to 5 months and then being "laid off" without any means of provisions. The Department of Indian Affairs now has a program in conjunction with the Canada Manpower Training for the training of Indian people as guides. After completion of such a program, they are then entitled to demand guide wages. Such a program should be initiated this fall for people wishing to become guides. Perhaps a "guide centre" might be established to make available guides to the tourist outfitters and also perhaps through such a centre guides might be available for casual tourists coming to Red Lake and not living at a tourist camp.

#### Chronically Unemployed:

Within the community of Red Lake, there is a number of people that have little or no incentive to work, and are scrounging from the wage earner or are welfare recipients. They see no incentive in working, cannot hold a job, and are social misfits. They are caught in the cycle of drinking, getting drunk, being convicted, sent to jail and then to return to repeat the same cycle. The Township has to a large extent ignored this segment of our community hoping that it would go away. However, the opposite is taking place as the numbers involved in this cycle is increasing.

Under the General Welfare Assistance Act there is a program known as "Work Activity Projects"...Its purpose is to deal with those who are chronically unemployed and to provide opportunities by which they may be rehabilitated. Such a project may be a combination of work practice and counselling that would likely improve the recipients abilities and attitudes so that eventually he would be able to get and keep a job or go to take skill training leading to employment. This "Work Activity Project" can only be sponsored by the Municipality in order to qualify. The administrative costs and incentive allowances are subsidized 80% by the Province of Ontario. Something must be done at once, by taking advantage of such a program to provide a means to reclaim this segment of our residents before the situation increases.

WORKING PAPER ON

SOCIAL DEVELOPMENT

FOR RED LAKE

1971

GENERAL:

This portion of our paper will concern itself with the development of social programs that will attempt to break the cycle of poverty and despair and give hope and encouragement to those who most need it.

*A direct need for the services.*

As indicated in earlier sections, while development is needed throughout the community, there is no place where it is more needed than McDougalville. It is our feeling that no social development can occur in this area until the people have been relocated throughout the community. It is imperative, however, that a follow up be made. A comprehensive program of homemaker service, budgeting and education must be implemented immediately following relocation. This service should be extended to other residents who might benefit from it but the focus of attention will be the McDougalville residents.

Two immediate problems occur when we discuss providing this service. One is that the person who provides the service must be able to speak Ojibway and the other is that that person must have the confidence of the people. While there are people available that speak the language and could do a good job, the people in question do not have confidence in them and are not likely to take their advice. The solution, therefore, is to have two people available to work together. Eventually the people would gain confidence in the second person and he/she would gradually be able to go out on his/her own.

## RED LAKE INDIAN FRIENDSHIP CENTRE:

There is also a need for groupwork services to the native community. This group service can be provided through the Indian Friendship Centre. On different occasions a Women's Auxiliary was formed with a relative amount of success. With more support both moral and financial, the centre could provide this group service not only to the women but to all age groups and both sexes. As people learn to plan and implement their own programs through these group experiences amongst their own people, they will gradually become more confident in participating in the total community and still retain their Indianness.

The service that the centre provides is separated into four categories:

- 1) counselling and referral
- 2) social and recreational
- 3) cultural programs
- 4) community development(educational)

The centre should be given the support necessary to provide these services since Indian people relate very well to the centre and gain help and encouragement as a result of the informal way in which it operates.

## HOSTEL ACCOMODATION:

There have been many times in the past when a need for hostel accommodations was shown. While the Indian hospital for the north is situated in Sioux Lookout, there are still many patients coming to Red Lake from Pikangikum, North Spirit Lake, McDowell Lake, Poplar Hill, Deer Lake and Sandy Lake. Often patients are discharged from the hospital but are unable to go home because of weather conditions. They must then either stay in hospital and occupy a bed that could be used by someone else or try to find a friend or relative to stay with. This is not always possible or feasible. Many times, also a young child is admitted to hospital and the parents accompany it. The parents cannot stay at the hospital but have no place to stay themselves. Hostel accommodations would help alleviate this problem.

Many native people from the north come to Red Lake either on business for a few days, passing through towards points further south or to look for work. They usually stay with friends or relatives which places an extremely heavy burden on families who are trying to establish themselves. It results in overcrowding of houses and places a financial strain on that family's budget.

Another reason for people coming to Red Lake is to sell furs to the Hudson Bay. In the past, the trader would provide accommodations for these trappers. This is not the case any more and consequently other accommodations must be found.

While it is not feasible to operate a friendship centre and a hostel in the same building, there is definitely a need for a hostel and perhaps that the Red Lake Indian Friendship Centre could be encharged with the administration of it.



## HALF WAY HOUSE:

There are serious social and psychological problems in Red Lake that need specialized attention. The trained people are not available in this community to help cope with these problems, consequently people are either treated as criminals or sent to Thunder Bay or Winnipeg for treatment. Upon release from these institutions, they are sent back to the same kind of environment and situation and return to the same cycle of hopelessness and despair.

While we do not feel that these people should be detained indefinitely in these institutions and that they should be returned to the community where they can become full functioning individuals, it is unfair to return them back to the same environment when they have been in an isolated and controlled environment of an institution.

To alleviate this problem, we suggest that a halfway house be provided staffed by a native couple so that the return to the community can be implemented in stages.

It is quite possible, although thought and discussions as to feasibility would have to be carried out, that the accommodations for hostel and halfway house be in the same building. Care must be taken, however, to separate the two segments because of the specialized type of attention that the residents of the halfway house would require.



## RECREATION:

It is the feeling of I.A.C.C. that every source be exhausted to find ways of providing a recreation centre for the whole community. No attempt at solving social problems will be successful unless an attempt is made to provide facilities where a constructive use of liesure time can be achieved. At the present, this town sorely lacks any facilities of this type and it is important that some type of recreation centre be provided.

## CONCLUSION:

Much work needs to be carried out not only to sensitize the different levels of government to the problems and needs of the Red Lake District, but also to make the residents of Red Lake more aware of their community.

One of the roles of the friendship centre is to sensitize the community to the needs, problems, aspiration and unique culture of the native people. However, in the broader concept of the total community, the I.A.C.C. should assume the role of attempting to sensitize the community to their needs, social problems and thereby create a better understanding by the citizens of their community.

Only through this awareness and increased concern will constructive dialogue result that will create an atmosphere that will allow a concerted effort to improve the community in which one lives.

"McDougallville Survey"

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1. REPORT
2. WATER SAMPLE RESULT
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4. PHOTOGRAPHS



FEBRUARY 1, 1972

McDOUGALLVILLE SURVEY

I History (Information obtained from Mr. Kenneth McDougall)

In 1958, Kenneth McDougall, realizing that a serious housing shortage existed in Red Lake, took it upon himself to provide a badly needed housing development. Plans for this development were forwarded to the Department of Municipal Affairs and were subsequently turned down. Not discouraged by this obstacle, Mr. McDougall proceeded to build the homes using Indian labour and lumber from his sawmill located in Red Lake. Thirty homes were constructed on a Mining claim formerly owned by the Howey Bay Mine at a cost of \$85,000.00. The houses were equipped with electricity, cement block chimneys, glass windows and insulation. Two wells were drilled on the site to provide a supply of drinking water. The Department of Municipal Affairs, upon discovering this development ordered the buildings destroyed. (Mr. McDougall claims that this order still stands today.)

The houses were originally occupied almost entirely by white persons, (approx. 275) but as time passed, the Indians became the exclusive occupants. Attempts by Mr. McDougall to maintain the homes at this stage became futile and damage was soon uncontrollable. The wells were filled up with garbage and the electricity was cut off due to the non-payment of bills. Many of the houses became victims of fire as conditions became worse and in 1972 there are only twelve houses remaining of the original thirty.



## II Introduction

This settlement, known as "McDougallville" is now an Indian Community consisting of 12 substandard houses which are located on the north-west side of Howey Bay in the Township of Red Lake. The houses are situated on three separate levels, starting at the base of a large hill of bedrock immediately behind Kenneth McDougall's General Store on Howey Street. The property on which the houses are located is presently owned by the Township of Red Lake and the buildings are owned by Mr. Kenneth McDougall.

The occupants of the houses, are for the most part on welfare, and rent is automatically deducted by the town's welfare agency for the purpose of paying Mr. McDougall's tax assessment on the buildings. Apparently there has been a continuing battle between Mr. McDougall and the Township regarding this arrangement. Mr. McDougall maintains that he derives no monies whatsoever from the houses, a point on which some other people in the community have differences of opinions.

## III Site Inspection

On February 1, 1972, a house to house inspection of "McDougallville" was carried out by A.H. Mason, Chief Public Health Inspector and B. England, Public Health Inspector of the Northwestern Health Unit. Mrs. Dorothy Horbachewsky, Registered Nurse with the Northwestern Health Unit, assisted in the inspection. Photographs taken at the time of the inspection and a schematic diagram of the area are attached.

### 1. General Description

There are twelve houses in this settlement and they are scattered over three levels of a sharply rising hill. Three of the houses are located in a ravine at the bottom of the hill, three are on the middle level and six are located

on the top. All of the houses are of the same basic design and of woodframe construction. The site itself is composed largely of bedrock and the terrain is quite barren and uneven.

## 2. Sewage Disposal

Although privies are located near each of the houses, almost all are badly dilapidated and many are open and nearly collapsing. One house had no privy facilities at all. All but one were found to be full and overflowing, both inside and out, rendering them completely unusable. The privies would be a definite fly attraction during the summer months. Most of the privies were of the pail type as rock conditions would not permit the earth type to be constructed. Adequate disposal of the contents of the pails is limited as there is no night soil collection by the Township of Red Lake. It would appear from glancing about the yards that the nearest snowbank is the most convenient place to relieve oneself. Sink wastes and wash wastes are also thrown over the ground beside the houses. Sinks are provided in the houses but can only be used in the summer and in any case they drain over the ground under the buildings.

## 3. Water Supply

At the time of the inspection, water was being fetched in pails from an ice hole in Howey Bay located directly opposite McDougalls General Store. The water is used raw for drinking, washing and cooking purposes. The water of Howey Bay has consistently shown high counts of Faecal Coliform organisms, indicating gross human waste contamination. This same body of water also serves as a discharge point for the Ontario Water Resources Commission Sewage Treatment Plant which serves the community of Red Lake.

It was also noted that some of the inhabitants melted snow and ice in large drums located beside their wood stoves. This water was used for washing clothes. The problem concerning a potable water supply should be resolved, however, when

the newly installed water tap becomes serviceable. The Township of Red Lake ran a plastic surface line from the OWRC water system to the McDougallville site but unfortunately, this occurred late in the fall and the line froze up.

#### 4. Garbage Disposal

There is no garbage collection provided by the Township of Red Lake and very few cans were noticed. None of these were being used. Garbage was being deposited over the ground in the area immediately adjacent to the houses. A visit to this area during the past summer revealed excessive accumulations of broken glass which was scattered over the area. This condition constitutes a definite hazard to the children playing in the area.

#### 5. Structure of the Houses

The houses are of woodframe construction - walls, floors and ceiling. In general, all the windows in the houses were broken and patched with plastic and many of these plastic windows had gaping holes in them. The shiplap covering the walls on the interiors of some of the buildings as well as the closets and some of the cupboards have been ripped out and presumably used as firewood. There is little evidence of any insulation and some buildings had no insulation at all. On all houses, a large ice build-up was noticeable on the roof eaves, indicating a terrific heat loss through the ceilings. Although some traces of electric wiring remain, no electricity is provided. Candles and coal lamps are the only source of light to the inhabitants. The doors in almost every house were found in a poor state of repair. The floors in some of the houses were also in poor repair. It was noted at the time of the inspection that repairs were being carried out to a couple of the houses. A porch was being installed at one house and

insulation and wall sheeting was being installed at another. Discussions with Mr. Roger Obonsawin, Indian Community worker, revealed that these improvements were made possible through using a portion of a \$28,000. Government Grant. Repairs to all houses are expected to take place but it will depend on whether sufficient funds become available.

#### 6. Heating

All of the houses are heated by delapidated space heaters. The heaters are set up on top of bricks with no fire shielding on the floor. In general, the heating devices are very hazardous with bent or broken legs and some with holes in the sides of the stove, and an extreme fire hazard exists. Wood is burned in the stoves and is supplied in tree length by the Township of Red Lake. Wood is cut into stove lengths by the tenants, using either axe, hand saw or power saw. Heating is made even more difficult by the lack of adequate insulation. It should be noted that many of the original thirty homes have been the victims of past fires.

#### 7. Food Storage

In most instances, little or no food was to be found in the houses and what was found was stored on open shelves. Refrigeration of food stuffs appears to be an unknown practice among these people as all food was stored inside the buildings and there are no refrigeration facilities available for use during the summer months. Although food appeared to be quite scarce, alcoholic beverages were found to be quite abundant.

#### 8. Overcrowding and Living Conditions

The average number of occupants living in each home is approximately 5, but the figures range from a low of two persons to a high of nine. This figure can be largely increased if one considers the continuous influx of transient persons. The average house has a kitchen and 2 bedrooms and overcrowding is quite evident in most cases.



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Filth and squalor of the rooms and the inhabitants is evident at once. All but a few of the houses are littered with refuse, empty wine bottles and scraps of clothing. Very few beds are evident and those that were being used were in poor repair. The mattresses were nothing more than rags, causing the springs to serve a dual purpose.

It might also be added that a majority of the occupants visited at the time of the inspection were in various stages of intoxication. Members of our staff also found a 6 year old girl alone in an unheated house, apparently while the parents were in Red Lake drinking. This child was subsequently turned over to the Children's Aid Society.

During an inspection of one of the houses, a mother who had just come home from the hospital with her new born baby, moments before we arrived, was interviewed. It was discovered that she did not have any bottles to feed her baby and had only one can of milk. This person had no money and was not on welfare. Through the efforts of Mrs. Horbachewsky, R.N., some bottles were secured in order that the baby could be fed.

It is also important to note that the excessive use of alcohol by the residents and by the transient visitors has been a large factor in the destruction of these houses. Even those who might have tried to maintain and improve their housing and sanitation conditions have been frustrated by the damages done by others.

#### IV Conclusions

The housing and sanitation deficiencies which have been expanded on in this report indicate that a serious health hazard exists to the residents of this settlement. Even more important, these conditions are a health hazard to the entire population of Red Lake. This one area could be the source for any number of communicable diseases and continually poses the threat of an epidemic.



The situation supports the urgency for action on the part of local and government agencies to attempt to improve or eliminate this situation.

An easy way to eliminate the problem, of course, would be to completely destroy these houses, but this would only tax the already critical housing shortage that exists in the Red Lake area. The ideal situation would be the construction of new homes for these people somewhere in Red Lake, in an area which has the benefit of all municipal services.

This would take time, however, and may possibly never occur. Thus, immediate action must be taken to improve the existing housing and sanitation conditions. Education of these people in sanitation and dwelling maintenance is also a priority item and must go hand in hand with any physical improvements made to McDougallville.

The Government and the Township must be prepared to give financial assistance to any present or future programs in order to protect oneself from a community health hazard.

#### V Recommendations

The Northwestern Health Unit will provide every possible assistance in regards to the following recommendations.

##### A For Immediate Action

1. Sewage Disposal - All existing privies are badly dilapidated and should be replaced with either pail type or vault type privies. The former would require night soil collection services by the Township and the latter type would have to be pumped out by a septic tank cleaner as needed.
2. Water Supply - The water line extension from the OWRC water system should solve the problem of a potable water supply, the main criteria being that it remain operative all year round.
3. Garbage Disposal - Present accumulations of garbage should be cleaned up and cans should be provided for future use. Weekly collection of garbage

should be initiated by the Township of Red Lake. Collection of garbage has been almost impossible during the summer months due to an inadequate road to the site. We did learn from Mr. Earl Smith, Red Lake Public Works Supervisor, that a new road has been brushed and will be constructed during the coming summer. The road will be useable on a year round basis.

4. Structure of the Houses - Broken windowpanes should be replaced and screens for windows should be provided during the summer months. Plastic sheets could be used as storm windows in the winter. The buildings should be insulated and suitable wall covering placed over the insulation. New doors are needed in many instances and the installation of porches would help the heating problem. The installation of electric lights is also recommended.

5. Heating - Proper fire shielding should be provided for the floor area beneath the wood space heaters and behind or beside where necessary. The problem of heating buildings of this size with wood space heaters is extremely difficult and ineffective. The installation of oil space heaters is recommended as a more suitable means of heating the buildings.

6. Food Storage - There is a need for more adequate shelving and many of the cupboard tops could be replaced. If electricity could be provided, some means of refrigeration could be installed.

7. Living Conditions - All houses are in need of kitchen and bedroom furniture. Perhaps this need could be fulfilled by donations of secondhand beds, chairs, tables etc. from area residents.

## B Education & Employment

This is perhaps the most important recommendation, for without education of the Indian people in this settlement, any of the improvements listed in the previous paragraphs would be absolutely useless. The Indians in these houses are very ignorant of the white man's ways concerning housing and sanitation practices and with a serious alcohol problem amongst the residents, any

improvements made to their physical environment would be destroyed in a very short time. Supervision and education by a person or persons on a full time basis is required to ensure any hope of a successful program. Employment of those able to work must be a priority item for anyone working with these people.

C Relocation - The Township of Red Lake and the respective government agencies should select a new site for the re-location of these people. Plans for this action should be formulated as soon as possible.

### DISCUSSION

In order to improve the present situation in McDougallville, it is very important to stress the fact that improvements to the physical environment must be closely related with the process of education. Professional help may be required for the alcoholic problem and should be obtained if needed. The Indian himself must be made to take pride in himself and his accomplishments. Many of the physical tasks outlined in the foregoing recommendations can be handled by the residents of the village. Evidence of this was noticed during the inspection of one of the houses. A group of Indian youths were insulating their house and covering the walls with wallboard. The materials were supplied and the Indian youths were being paid a salary to carry out the renovations. The money for the materials and the salaries was made possible through a Government Grant. This type of action is needed if the Indian is to improve his lot. All of us have a basic responsibility towards these people and we must do everything in our power to assist them. In the final analysis, however, it is the Indian himself who will decide upon his future.

## ACKNOWLEDGMENTS

Our appreciation and thanks are extended to the following persons for providing much of the background information contained in this report.

1. Mrs. W. McDougall, P.H.N., Northwestern Health Unit
2. Dr. M. Gloster, Physician at the Red Lake Medical Group
3. Mr. G.H. Philpotts, Clerk-Treasurer of the Township of Red Lake
4. Mr. Earl Smith, Public Works Supervisor, Township of Red Lake
5. Mr. Kenneth McDougall - store owner and fur trader.
6. Mr. Roger Obonsawin, Indian Community Worker

Prepared by:

A.H. Mason, C.P.H.I.(C),  
Chief Public Health Inspector.

and

B. England, C.P.H.I.(C),  
Public Health Inspector.

bjm

PEARSON 1, 1915



TOWNSHIP WATER TAP



MCDONNELL'S STORE



HOWEY BAY ROAD

HOWEY BAY

of 12 1/2





From: The Inter Agency Co-ordinating Committee  
Red Lake, Ontario

RE: TRANSPORTATION TO HEALTH SERVICES

Preamble Because of the geographical location of Red Lake and also the limited facilities available within our district it has become increasingly necessary to obtain a large amount of Medical and Health Services from other major centres. The closest centre of medical resources and specialist services is Winnipeg which is 300 miles and Thunderbay which is approximately 385 miles via road from Red Lake. The citizens of Red Lake have been experiencing much difficulty in facilitating the necessary transportation to receive the needed health services. In this submission we are mainly concerned with the middle and low income families who are experiencing many problems in assuring that their children receive proper health care and treatment. We feel that the Government of Ontario must look seriously at this problem and provide some assistance either through the Health Insurance program or by means of a transportation subsidy. The agencies within our community are being called upon daily to find solutions to the problem of transporting people of our district to the necessary health services which are not provided in our area. The problem occurs regularly in the following situations.

hospital to hospital  
on return Under the present Health Insurance plan a service of transportation is provided by means of ambulance from hospital to hospital. This requires a minimum payment of \$25.00 by the patient. Last year there were 108 patients sent in this manner from Red Lake to Winnipeg. Under most of these trips an escort was provided often this escort was a parent of the child or a nurse. On many occasions it became difficult to obtain even the \$25.00 from the patient to provide the necessary transportation. However upon discharge the patient found

himself discharged in Winnipeg without having a means of transportation home. The air fare from Winnipeg to Red Lake is \$24.00. Should the patient be a child requiring an escort the total fare for both then becomes \$36.00. Should the escort have to go from Red Lake to Winnipeg to pick up the child and return then the total return cost of transportation to bring the child home from the hospital becomes \$60.00. This is over and above the \$25.00 minimum that the patient must pay to have the ambulance service to the hospital. For families in the low income bracket and those with four or five children this money is not available. In many cases we have been forced to rely upon the health worker taking the child down to the airport to watch for some stranger buying a ticket to Red Lake or from Red Lake to Winnipeg and asking them "if they would mind holding the child on their knee for the trip" One well can imagine the danger and risks involved with such an arrangement and can appreciate the desperation which necessitates such dubious means.

Referral to Last year a good number of people were referred to the Thunder Bay Sanitorium Sanitorium , which is our closest Tuberculosis centre, for either a periodical checkup or to remain there for treatment. This is \$31.00 one way or \$62.00 return. Often these people are of Indian ancestry and do not have the means available to pay the fare. Often it is a matter of scrounging a ride with strangers in a car for 385 miles or obtaining the fare through devious means. For this reason it is at times difficult to even persuade people to accept the services of the Sanitorium because of the high cost of transportation.

Referral to Within the past year there have been eleven instances of young people Specialists who have been referred to Thunder Bay for psychological assessment or psychiatric help. The families have come to our agencies for

assistance in transportation. These young people require an escort because of their psychological problem or because of their age. Hence the cost to the parent would have been  $1\frac{1}{2}$  return fare or a total of \$93.00. It becomes very difficult to persuade people in the low income bracket of the need for such assessments and hence the future of the children is hindered because of the high cost

therapeutic Because of limited medical facilities and services at our disposal  
repeated within the community it is not uncommon for a patient to be required to  
pickups return to Winnipeg or Thunder Bay several times a year for further  
assessment or therapeutic treatment. You can well imagine the handicap  
which is placed upon such a family to attain the necessary medical  
services which is provided through the Ontario Health Insurance Plan.  
There is no record of the number of patients that are referred to  
Winnipeg or Thunder Bay by the medical profession for consultation,  
special care or for the need of better medical facilities. It is  
estimated that the number of patients who are referred in this manner  
would be in the hundreds. These are the people that have the means  
or the facilities for transportation at their disposal and do not call  
upon our agencies for assistance.

#### EXAMPLE OF TRANSPORTATION PROBLEMS

Patient "A" is eleven years of age who must be taken to Thunder Bay for psychiatric treatment. The air fare for her and one escort will be \$93.00 to get her down there and another \$93.00 to bring her back after she has been released. The parent will have to find overnight accommodation for both trips. The father is working at the mine and has seven children. His total earnings is \$6,400. with which he must pay rent, provide food, medical insurance premiums, clothes etc. There is no money available. The local welfare agency claim that because she is not on

their regular welfare assistance program it is not their responsibility.

Patient "B" has a family of 6 children and on discovery that he had Tuberculosis quit working at the mine. He spent his last cheque in order to provide some means for the family i.e. clothing etc. He has no money to go to Thunder Bay.

Patient "C" is a child of one of our local families who have five children and needs urgent medical attention in Winnipeg. The family have not budgeted for such an expense and the father blew his last cheque. He does not have \$66.00 to send his child to Winnipeg for treatment as well as the extra money required for accommodation of the parent escort.

Patient "D" is a child with leg problems which requires therapeutic treatment every three months, The child requires an escort to Winnipeg and will have to go five times this year. This will cost the family \$330 for transportation alone without the additional cost of accommodation.

The above are simply a few examples of the type of problems which our local agencies and especially our local health worker is called upon to solve. It is estimated that the frequency of such cases is from one to two a week or upwards to 100 a year. This becomes very time consuming for our workers and does not allow them to carry on with the job that they are responsible for in the area.

#### METHODS PRESENTLY EMPLOYED TO PROVIDE TRANSPORTATION

Many devious methods have been used by our agencies in the past in attempting to get the people to and from proper medical services. Much of the time of the professional personnel is spent pleading and scrounging to provide a means of transportation for these people.

The following are some of the methods which we have



used in the past. Often times it has been simply through their good graces and generosity.

1. On many occasions the workers have found it necessary to plead with various service agencies in an attempt to provide transportation. Service organizations such as the Lions, Kinsmen, etc. are being taxed to the limit of their resources in fulfilling their regular roles in the community.

2. Often times we have attempted to make arrangements with people within the community to volunteer their services to provide transportation either to Winnipeg or Thunder Bay. On many occasions the local health worker has on her own found it necessary to drive 600 miles return to provide the necessary transportation.

3. In a few instances where there has been no provisions found to have the patient transported back to Red Lake upon discharge we have found it necessary to have the patient transferred back to our hospital here in Red Lake by ambulance (scheduled flight) in order to get the patient home.

4. On many occasions the local health worker has found it necessary to take a baby or a child down to the airport and watch for someone to buy a ticket to Winnipeg. Then they have approached the stranger and asked if they would hold the child during the trip to Winnipeg. The worker returns home in fear that the proper connections might not be made with the worker in Winnipeg.

5. On one occasion the patient following discharge from the Winnipeg hospital hitch-hiked the 300 miles to Red Lake because he had no means of transportation home.

6. On many occasions we have found it necessary to rely upon the generosity and goodwill of volunteers such as the OPP, a friend or a salesman, and agencies such as welfare, Indian Affairs, Northern Health who have assisted us with much reluctance.

CONCLUSION

We the members of the Inter-Agency Co-Ordinating Committee of Red Lake request that the Government of Ontario assist us in providing some method of transportation when necessary to obtain the **required means** of health services. We feel that there are many other communities in Northwestern Ontario that are in a similar situation of disadvantage with regards to obtaining proper medical care because of their geographical location.

We in Northwestern Ontario are charged the same premiums as the metropolitan areas for our Health Insurance and yet these specialized services are not available to us until we have paid the extra . . . . . transportation costs of \$44.00 air fare or have spent six hours in a car travelling to obtain such health services. Often included in this is an additional expense of paying for overnight accommodations as well as the original fare. Hence the people in Northwestern Ontario are at a disparity with other areas such as Toronto where the transportation to such **médical** services would be at the most a taxi fare.

**BRIEF PRESENTED TO:**

- 1. Ontario Government Task Force**
- 2. Area Planning Council**



Re: VIOLENT DEATHS AMONG STATUS AND NON-STATUS INDIANS





We present this brief in the belief that those present may be able to initiate a study of the problems underlying the unnecessary violent deaths among our native people, especially in the Kenora District.

Last Fall, we initiated dialogue between the Ontario and Federal Governments and ourselves by sending the letter (Appendix 1) attached - to the Hon. Leo Bernier, M.P.P., Minister of Natural Resources, and to the Hon. Jean Chretien M.P., Minister of Indian Affairs and Northern Development. Their interested and concerned reply (appendix 2 & 3) as well as letters to their colleagues (appendix 4, 5 & 6) led us to believe that some action would be taken.

A letter or reply written to the Hon. Mr. Bernier by the Hon. Mr. Bales Q.C., Attorney General of Ontario, was especially heartening, and I quote from that letter (append. 7). As you will note from the letter, the Hon. Dalton Bales Q.C. believes that "A study of violent death amongst native people directed to identifying and elimin<sup>n</sup>ating the sociological factors

responsible must necessarily be extremely comprehensive". We believe as well, that the study must be accomplished immediately so that the needless deaths do not continue. Primary investigation reveals that violent deaths among Canadian Indians in Kenora-Rainy River District numbered 76 in 1972, ten of which were attributed to suicide. The events which prompted our concern and this presentation were the violent deaths of several young people all of whom were our students at one time. While we were primarily interested and motivated by those deaths, we believe that there must be an investigation into the high incidence of violent death among all native people in our district.

It is our opinion that a feeling of frustration, confusion and hopelessness contributed greatly to that death rate. The first realization we had that this problem was really serious was when we were notified on June 8th, 1971, that a fifteen year old McIntosh boy had been killed by a train. He was a student at Vermilion Bay School and was graduating to high school. On the 21st of June, 1972, we were again notified of a student's death, this time a fifteen year old McIntosh girl by the same means.

On October 8th, 1972, another Indian from Eagle River ended his life by taking an overdose of pills. He was eighteen years old.

One week later, another boy ended his life by gunshot, October 16 1972. He was fifteen years old.

There are more to add to the list- two very young children by fire in Eagle River, two young adults by train in McIntosh, and a young girl of a stab wound.

The above mentioned deaths are all within the realm of our personal knowledge and only one is included on the list compiled by the Kenora District Planning Council.

All of these incidents indicate, we believe, <sup>that</sup> the need for immediate action is imperative, for it is obvious, at least to most that the number and types of death are excessive and inexplicably associated with the milieu of the Indian.

We believe that a number of factors are relative to the problem and have prepared some information about them which we will furnish to an appropriate investigative body.

We would also like to point out that we began our inquiry without any knowledge of the extensive research and findings of the Kenora Social Planning Council. The very fact that the problem was recognized in two different communities at relatively the same time should lend credence to the scope and magnitude of the problem.

We recognize that our statistics are not comprehensive nor do they totally substantiate the need for the type of inquiry we recommend. We did make a very concerted effort to obtain

more information and have consequently sent a telex message to the Attorney Generals' Office inquiring as to why the pertinent statistics could not be made available.

We are sure, however that an interested, unbiased and dedicated investigation would be given access to the appropriate material.

In closing, we thank you, and remind you of the statement in the letter from Hon. Mr. Dalton Bales (Appendix 7) that the inquiry "must necessarily be extremely comprehensive".

Respectfully submitted,

W. Errington

R.F. Munford



October 20th, 1972.

Mr. Leo Bernier,  
Minister of Northern Affairs and Natural Resources,  
Whitney Block,  
Queen's Park,  
TORONTO 183, Ontario.

Dear Mr. Bernier,

Today we buried a teenaged boy who died by gunshot at his own hand. A week ago another boy killed himself with an overdose of drugs. During the past year and a half, a girl and a boy both died in front of trains. They were all Treaty or Non-Status Indians, and all of them lived within a radius of twenty miles. Two of them had been out of school for a short time, and two were in their last elementary years. They died either by their own hand or by violent means, and it seems that their deaths are connected somehow. As Principals of the local Schools, we know these students personally, and are deeply concerned. What hope, what future, lies ahead for present Indian pupils if nothing is done?

We would like to recommend to you the establishment of a committee to enquire into their deaths, and to ascertain the secondary causes leading up to these tragedies. Such a committee should have authority to make recommendations to you as Minister of Northern Affairs and Natural Resources. We realize that this matter does involve responsibilities of some federal jurisdictions, but are sure that you will be able to arrange a co-operative investigation.

These are only a few of the many who have suffered the same kinds of deaths, over the past few years, and most are in relatively the same age group.

This letter has been inexplicably deferred, and although we did expect an officially inspired study at an earlier date, we now feel it imperative. Possibly, had we written sooner, some of these lives could have been spared.

We are not aware of any present investigation into specific causes, such as drug use, alcoholism, educational ineffectiveness etc., and so would expect early action on this matter.

Sincerely yours,

W. Farrington,  
Principal  
Eagle River School  
Eagle River, Ontario.

R. P. Munford,  
Principal,  
Vermilion Bay School,  
Box 95,  
Vermilion Bay, Ontario.

W.E. /IP  
R.F.M.

C.C. Mr. J. Chretien M.P.  
Ottawa, Ont.  
C.C. Proden Board of Education



Ministry of  
Natural  
Resources

416/965-1301

Whitney Block  
Queen's Park  
Toronto Ontario

November 13, 1972

Mr. W. Errington  
Principal  
Eagle River Public School  
Eagle River, Ontario

*Replied 11/12*

and

Mr. R. F. Munford  
Principal  
Vermilion Bay Public School  
Vermilion Bay, Ontario

Dear Sirs,

It shocked and upset me to learn in your letter dated October 20th of the recent teen-age deaths among Treaty or Non-Status Indians in your area. I certainly share your concern for the occurrence of such tragedies, but realize as you do that there could be so many contributing factors beyond government control.

I also agree with you that these incidents must be looked into to determine if there is some way that help could be provided to prevent a recurrence of such disturbing events.

I am not aware if the Ministry of Community and Social Services has ever undertaken a study on these needless loss of lives that you mentioned. However, a copy of our correspondence is being forwarded to the Honourable Rene Brunelle with the request that every consideration be given to your excellent suggestion.

Likewise, Mr. M. Mounk, Community Consultant of the Addiction Research Foundation office in Kenora, is also being made aware of this problem and requested to contribute towards its solution.

You can expect to hear from me again when a reply is received. Once again, thank you for bringing this matter to my attention.

Yours sincerely,

cc:

Hon. Rene Brunelle  
Mr. M. Mounk

Leo Bernier  
Minister

Ottawa, Ontario. K1A 0H4

11 11 1972

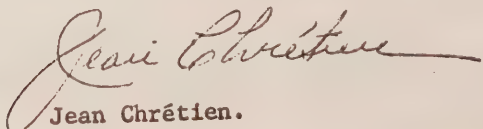
Mr. R.F. Munford,  
Principal,  
Vermilion Bay School,  
Vermilion Bay, Ontario.

Dear Mr. Munford:

This is in reply to your letter of October 23, co-signed by Mr. W. Errington, enclosing a copy of your letter of October 20 to the Honourable Leo Bernier, Minister of Natural Resources, concerning four instances of violent death among young people in your district.

I am deeply concerned about the situation you described. As you will see from the enclosed copy of a letter I have sent to Mr. Bernier, my Department will co-operate in every way it can to bring about an improvement.

Yours sincerely,

  
Jean Chrétien.

Ottawa, Ontario. K1A 0H4

The Honourable Leo Bernier, M.L.A.,  
Minister of Natural Resources,  
Whitney Block,  
Queen's Park,  
Toronto, Ontario.

Dear Mr. Bernier:

This refers to the letter of October 20 sent to you by Mr. W. Errington and Mr. R.F. Munford, concerning four instances of violent death amongst young people, two of whom were Indian, in the Eagle River and Vermilion Bay area.

I am deeply concerned, as I know you will be, over the situation described by these two school principals. I have been informed by my field officers that, although there were no inquests into the deaths mentioned, the Ontario Provincial Police conducted an investigation, and that the relevant information is available from the Supervising Commissioner of Ontario.

Messrs. Errington and Munford are to be commended for trying to get some action going to focus attention on the underlying problems, and I think their suggestion to form a committee to do this is a good one. I would hope that such a committee could also make recommendations about measures to be taken to resolve these problems. Perhaps the committee could be a subcommittee of the Kenora District Social Planning Council, which I understand was recently organized.

What I would like you to know is that, if such a committee is formed, my Department will co-operate in any way it can. My Acting Regional Director for Ontario, Mr. H.B. Rodine (55 St. Clair Dr. E., Toronto) will be very pleased to give you the names of the field officers who would be prepared to help. Please feel free to call on him for any assistance.

Yours sincerely,

Jean Chrétien.





Director  
of the  
Ministry  
of  
Natural  
Resources

Ministry of  
Natural  
Resources

416/965-1301

Whitney Block  
Queen's Park  
Toronto Ontario

November 13, 1972

MEMORANDUM TO: Honourable Dalton A. Bales, Q.C.  
Attorney General of Ontario

and

Honourable Rene Brunelle  
Minister of Community and Social Services

FROM: Honourable Leo Bernier

RE: Deaths among Treaty and Non-Status Indians in  
Kenora Riding

Enclosed for your information is a copy of my recent correspondence with Messrs. W. Errington and R.F. Munford, principals of the Eagle River Public School and Vermilion Bay Public School, respectively.

Needless to say, I am very concerned about the report on increasing incidence of deaths among Treaty or Non-Status Indian teen-agers in my riding, particularly because such loss of lives appears unnecessary.

Messrs. Errington and Munford had suggested that a study committee should be established by the Ontario government to look into specific causes such as alcoholism, drug abuse, and the effectiveness of our present educational system.

I must also point out that within the last six weeks, ten other deaths due to fires had taken place in my riding: three in Minaki, three in Sioux Narrows, and four in Hudson.

Would you please have these matters investigated as early as possible as the government's prompt action may help spare further loss of lives among our young.

Encl.

Minister



Ministry of  
Natural  
Resources

416/965-1301

Whitney Block  
Queen's Park  
Toronto Ontario

November 13, 1972

Mr. M. Mounk  
Community Consultant  
Addiction Research Foundation  
14 Matheson Street South  
Kenora, Ontario

Dear Mr. Mounk,

For your information, enclosed please find a copy of my recent correspondence with Messrs. Errington and R.F. Munford of Eagle River and Vermilion Bay, respectively.

You will note from their letter to me dated October 20th that they are quite concerned with the rising incidence of deaths among young Indians in my riding of Kenora. Included in the possible causes of such tragedies they mentioned alcoholism and the use of drugs.

As the Addiction Research Foundation representative in Kenora, you are certainly familiar with similar problems in some Indian reservations in the area. May I, therefore, request an investigation of the cases enumerated in the letter from Messrs. Errington and Munford. I am sure like me you would like to bring into light the reasons, both immediate and incidental, that might have caused these unnecessary deaths. Perhaps, through a better understanding and prompt action on our part, we could initiate remedial measures that might save a few young lives.

I would appreciate receiving your comments and/or suggestions on this matter.

Yours sincerely,

Encl.  
cc:

Leo Bernier  
Minister

Dr. H.D. Archibald  
Executive Director  
Addiction Research Foundation



ATTORNEY GENERAL

PARLIAMENT BUILDINGS  
TORONTO 182

November 24, 1972

MEMORANDUM TO: The Honourable Leo Bernier,  
Minister of Natural Resources.

OFFICE OF THE ATTORNEY GENERAL  
MINISTRY OF NATURAL RESOURCES  
11/24/72

FROM: Dalton Bales.

This will refer to your memorandum of November 13th with respect to deaths among treaty and non-status Indians in Kenora Riding.

My ministry is prepared to give full assistance in connection with a study of the kind suggested by Messrs. Errington and Munford.

Assuming that investigation reveals a greater incidence of suicide or fatal violence within the youth of the Indian community in your Riding than in the general population, it appears to me that a study directed to identifying and eliminating the sociological factors responsible must necessarily be extremely comprehensive. The work would undoubtedly involve new and original research, as well as recourse to existing research. Obviously the study would include inquiry into the policies and administrative procedures, both historical and current, of the Federal Government. I suggest that an undertaking of this magnitude should be referred to the Indian Community Branch of the Ministry of Community and Social Services, to assess the feasibility of such a study and superintend its implementation.

Dalton Bales.

## TASK FORCE

1973

The Ministry of Community and Social Services of the Ontario Government has recently been reorganized to bring together other allied services which previously existed in different Ministries under one roof.

One of the reasons for this change was a perceived need to streamline the various programmes under a similar line of direction, and to avoid the unnecessary duplication of services which may exist. The Province is facing an ever-increasing demand upon these services and has no wish to raise the taxation level to a corresponding level. The attitude which has been taken is that the present delivery system for community and social services is outmoded; and thus a "brave new ministry must be created to meet the demands of the seventies".

The Province has been divided into areas which roughly correspond with those boundaries laid out in the "Design for Development" - and we in Red Lake come under the Kenora district subdivision of Northwestern Ontario. In these areas workers of the Ministry, representatives of Townships and all allied agencies and groups representing all levels of involvement have been asked to provide the task force with ideas and plans for the reform of the Ministry of Community and Social Services.

This is an opportunity which this particular area has mumbled about for quite a while - and we now have an opportunity to speak to government.

Let us grasp this opportunity and speak loud and clear.



### Recommended New Proposal

The Inter-Agency Co-ordinating Committee of red Lake therefore suggest the following proposal to be considered by the Task Force in the restructuring of the Ministry of Community and Social Services.

A. That due consideration be given to combining all the various agencies which are family and social oriented within the one Ministry of Community and Social services. i.e. Correctional services, Probationary and Aftercare services, Children's Aid Society, Alcohol and Drug Foundation, ~~etc~~ Municipal Welfare etc.

B. That at the local level the social services be combined within one agency known as Family Services or suchlike . That if at all possible they have a common administrative body at the local level . That such staff be co-ordinated by a local administrator who might relate directly to Toronto . That such funding of services be derived through negotiation with the various Ministries and levels of government.

Although such a proposal might loose in related expertise of the individual departments it would provide a much more wholesome and complete and effective ~~to the~~ service to the people concern. It would eliminate the possibility of "buck passing" from agency to agency as well as eliminate the duplication of administration. It would allow one office to assist with the complete problem as well as complete utilization of staff.



A Brief Submitted to the Ministry of Community and Social Service  
Re: Government Services

By Inter- Agency Co-ordinating Committee of Red Lake

The purpose of this submission is to explore a method by which the social services offered by the Government of Ontario might provide a more effective and meaningful service to the problems which confront the people in our district. Many of the issues raised in this submission will be common to many of the districts in Northwestern Ontario as perhaps other areas of the province.

Areas of Concern

Under the present structure their services offered by the Ministry of Community and Social Services is extremely fragmented both at the legislative and local levels. This becomes especially apparent when the services are applied at the local level. For example within the community of Red Lake the services of Northwestern Health, Indian Community Development, Children's Aid Society, Municipal Welfare as well as Community and Social Services have their offices established. This fragmentation is further enhanced when we consider that correctional services, and probation, and aftercare service of indeed other ministry, as well as Alcohol and Drug Foundation are attempting to meet local needs from Kenora ( a distance of 180 miles). As many as four and five of the various social agencies are attempting to work with the same family at one time. The family therefore is often confronted with as many as five workers who are inconsistent in identifying the problem as well as offering of counsel. This at times becomes very frustrating for the people concerned as well as most ineffective.

This fragmentation of services is further aggravated by the disparity in structure and accountability of personal and administration. The Family and Social Services, Indian Community Development Branch, Correctional Services as well as Probation and Aftercare Services

are direct government agencies and are a part of the civil service. The Northwestern Health, Children's Aid Society and Alcohol and Drug Foundation are administered by local boards although ~~the~~ a large proportion of their funding is derived from the Province of Ontario and subject to the approval of the Province. The Municipal Welfare Administration is administered by the Local Township although the major funding is also from the Province. These differences in administration tends to create a disparity of services rendered by the agencies concerned. There is a tendency of more rigid control and less flexibility when agencies are administered by local boards compared to the objective and flexibility of the Provincial agencies.

**Duplication** Because of the fragmentation in the field of social services offered to the people there is a tremendous duplication in administration. Each agency has its own office, secretarial staff and supervisory staff. In Red Lake, for example, the supervisors or co-ordinators of the area for each department travels 180 miles from Kenora to supervise their own agency in Red Lake. This not only is costly in monetary terms but in ~~per~~ man hours as well. This overlapping is further multiplied when we consider that as many as five agencies have their own individual case history and files on the same family at one time.

**Flexibility** Due to the departmentalizing of the social agencies in the community there is a tendency to be less flexible in the services rendered. and to meet the real needs of the people concerned. It is much easier to believe that the "other agency" can be of assistance to them. This lends to buck passing and hence many of the problems which may be borderline between agencies are never solved for the people.

A PROPOSAL FOR THE REORGANIZATION  
OF THE MINISTRY OF COMMUNITY AND SOCIAL SERVICES

RED LAKE  
May 10, 1973



This proposal was generated as a result of the circulation of the minutes of the Kenora Social Planning Council. In this document a plan was laid out showing a model for increased decentralization of decision making, and a better co-ordination of government activities through a modification of the delivery system of the Ministry of Community and Social Services.

This brief is intended to be a working paper to stimulate further discussion on the topic - and is not heralded as a final and all-encompassing solution to the problems.

The following will outline our amendments as proposed.



In the first place it is suggested that the government services of a "Community and Social" status continue to extend further than the boundaries of the Ministry as currently defined, and overlap into the Ministries of Health, and Education; and into the Justice Policy Field. It is also suggested that the Northern Affairs Branch, which acts as a communications link with the Queen's Park administration and as a community service, should be considered within this Social Development policy field.

We have felt it useful to consider the activities of the Ministry of Community and Social Services as delivering three distinct types of services:

- (1) The administration and distribution of financial benefits to families and individuals as determined under the various acts covering social welfare in the province of Ontario. We recognize that this activity is the principal service to be delivered by the Ministry, and is largely geared to the direct alleviation of social needs in an immediate manner. It is further recognized by all parties that such measures though a vital part of governmental responsibility, should be of an interim nature wherever possible.

- (2) There are cases which require special attention often of a paramedical, para-legal, or educational nature; and frequently concerning the subject of mental health. Thus there exists a need for a medium-term involvement of professional consultancy to work with problems in a therapeutic situation.
  
- (3) An eventual aim of government must be one of the general development of groups and communities towards self-reliance and self-determination. Thus there exists a need for a long-term involvement with communities to this end.

Thus to summarize: It has become apparent that a combined approach to community problems is both desirable and necessary in working with some of the short-comings of society.

In developing a system for meeting some of these requirements a tripartite delivery system is envisioned which would maximize the opportunity for informal liason.



Professional and therapeutic services to assist in problems.	Direct financial aid to alleviate immediate problems.	Aimed at working on long-term aspects of community problems.
--	---	--

It is hoped that such an approach would shift the current "agency-focus" of the social service delivery system to a client-centered system.

One of the major drawbacks of the current delivery system is the large-scale invasion of privacy effected when several social workers from different agencies minister to the partial needs of clients (often in areas which are loosely defined and may overlap). It is suggested that this invasion can be considerably lessened by the acceptance of the 'Caseworker' concept.

A CASEWORKER would be a generalist social worker with a specific number of clients. These clients may be grouped by geographic areas for maximum efficiency in visiting; or minority groups may receive services from a caseworker of similar ethnicity, perhaps in their own languages. A flexibility of educational requirements in the caseworker classification would allow for native participation in the delivery system for social services to native people - and would be particularly valuable in the reserve situation.

In such a way the caseworkers could provide continuing support to clients for the duration of their reliance upon one of the many forms of assistance available.

The caseworker then would be a generalist, and would be involved mainly with implementation of the Family Benefits Act, the General Welfare Act, and the Child Welfare Act'- thus amalgamating the roles of the current Field Services workers of the Ministry, the officials concerned with Municipal Welfare, and Children's Aid Society Workers.

The structure envisaged would comprise a hierarchy of caseworkers with SENIOR CASEWORKERS responsible for the professional supervision and counselling of all caseworkers in an area.

The AREA MANAGER would be responsible for the administration of the delivery system; and would supervise the reporting and filing systems along with the office management at the Ministry building. The Area Manager would have a responsibility for the allocation of the local caseload (in conjunction with the senior caseworker), and he would represent the major channel of communication with the Regional Administrator's Office. The area Manager would follow a role similar to that currently effected by the Northern Affairs Officer although expanded both in responsibility and in scope. Access to the Telex Communication system is seen as an important factor in obtaining decisions from the Regional Administrator quickly; and in the case where an appeal were necessary, an appeal board could be convened at appropriate times to consider these matters - again at a relatively local level. A Provincial board would represent a higher means of appeal.

The REGIONAL DIRECTOR would be a largely political figure reporting perhaps to the Deputy Minister's Office. Part of the task of the Regional Director's Office would be to ensure the smooth co-ordination of the ancillary services of consultation and community development into a delivery system which optimises both the organizational and human factors involved.

The supervisory positions in the ancillary services are self-explanatory, and it is important to note that these Officers would work with the Regional Administrator in a team, rather than in a direct line-management situation.

CONSULTANTS would work in close cooperation with the caseworker requesting their assistance; and would be admitted to the home in the company of the caseworker in order to continue the established relationship. Upon completion of short or medium term therapy the consultant would phase out of the home, although presumably taking part in the follow-up process through the caseworker.

It has been mentioned that the field of consultancy need not necessarily be confined to the Civil Service, and the range of the resources offered can be considerably extended by access to external professions, particularly in the legal and medical field.



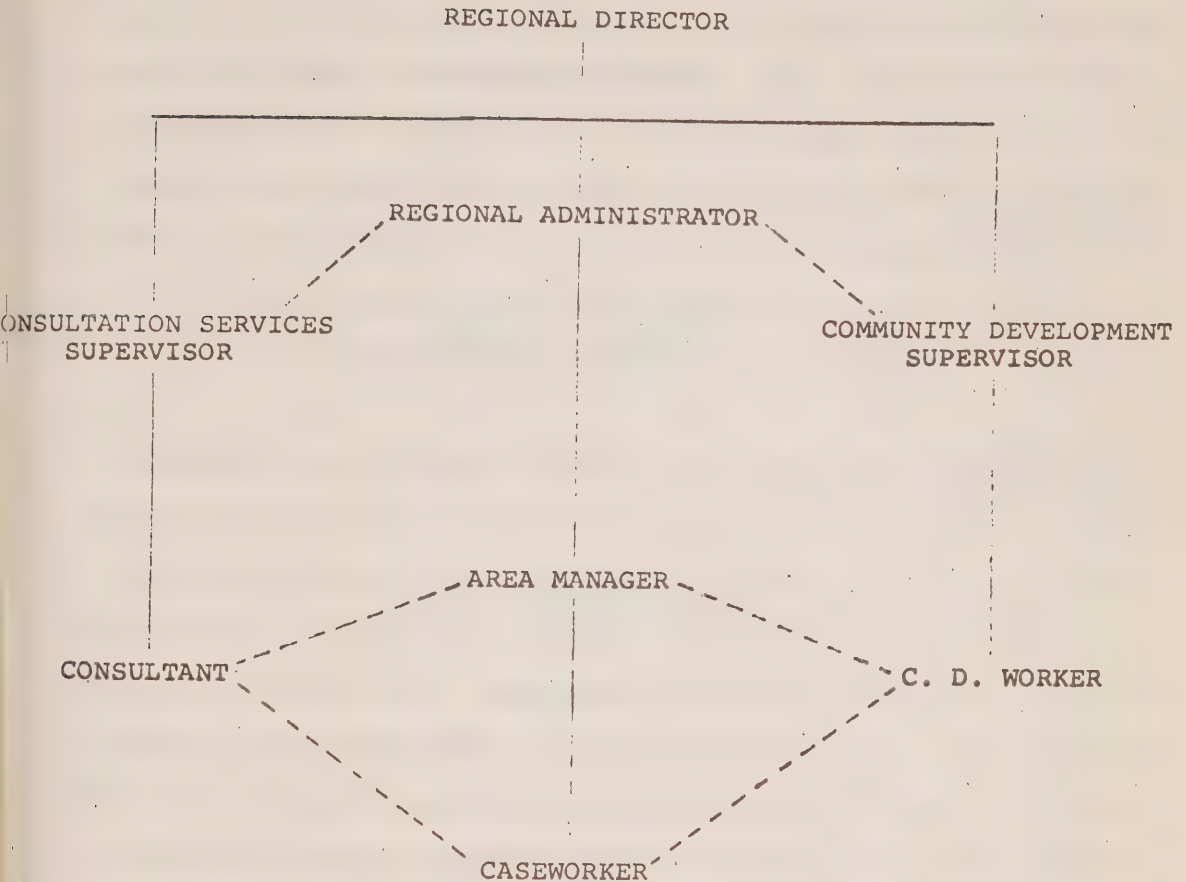
The placement of consultants would depend upon the area to be serviced: some would be available at the area level (ie Red Lake), and some at the Regional Level (ie Kenora) depending upon the per capita demand of communities. It is also recognized that some consultants would be shared with other regions, and some made available from major city centres like Toronto. In the latter two cases - a travelling resource team is recommended geared to specific problem areas (much in the way of the CNIB mobile eye-case unit). Travelling teams could be set up in this way to cover for example, an audiological screening unit, or a psychological assessment unit or a pediatrician and assistants - in the medical field, and perhaps of recreation specialists, for example, in the social field. The travelling resource team may well be an answer to the problems of thin resources and large distances in Northern Ontario, and maintains the concept of a client-centered system.

The COMMUNITY DEVELOPMENT WORKER would tend to work with groups rather than individuals and would attempt to encourage self-determination at a local level, acting at the same time as an access point to government programmes; and this classification would concern the programmes currently operating under The Community Services Division.

## APPENDIX:

- (i) Schematic diagram of proposed structure.
- (ii) Levels of decision-making concerning benefits.
- (iii) Promotion opportunities.
- (iv) Cost benefits.
- (v) Relationships to planning councils.
- (vi) Conceptual acceptance.

STRUCTURE PROPOSED



SOLID LINES REPRESENT FORMAL REPORTING RELATIONSHIPS

BROKEN LINES REPRESENT ACTIVE LINES OF LIASON

## PROMOTION OPPORTUNITIES

In any attempt made to devise a system with in which people will work, it is important to consider the means of advancement through the system - and indeed the attraction which the system may generate for advancement. It is important that a delivery system for Social Services has room for advancement at both an administrative and a specialized level, and care has been taken in the design of the schemata that there is both scope for professional development and management opportunity.

Mention has already been made at length of the caseworker position and of the advantages of having several classifications within that group. Lakehead University has discussed a BA/BSW programme which would include a term of employment in the Social Services as part of the credit procedure.. The caseworker classification could thus allow for such an eventually, and provide a useful controlled introduction to professional social work. The student could then orient his or her further studies either towards a specialization with a view to eventual appointment in the consultant or community development worker categories - or towards a comprehensive approach to general social work (perhaps with an emphasis upon administration) in anticipation of future advancement.

The consultant would have the opportunity to advance vertically within his chosen field of competence or to take administration courses and become more involved in line management.

LEVELS OF DECISION MAKING -  
CONCERNING BENEFITS

DEPUTY MINISTER

4 . . . . . PROVINCIAL  
APPEAL BOARD

REGIONAL DIRECTOR

3 . . . . . REGIONAL  
APPEAL BOARD

2 . . . . . REGIONAL ADMINISTRATOR

1 . . . . . AREA MANAGER

CASEWORKER: - Makes recommendation perhaps  
in consultation with senior  
caseworker or consultant.





A. Proposal for the Reorganization of Social Services

" Major programs are now initiated by two levels of government, administered by three and fragmented among a myriad of departments, ministries and agencies. Improvements have been made, but the results of this uncoordinated approach is a system characterized by excessive categorization, gaps, overlaps, inequities, disincentives and contradictions."

Ontario Provincial Government Report

to

Federal Provincial Conference 1973

Kenora, Ontario

June 18th, 1973



This proposal for the integration of Social Services in the District of Kenora describes the structural and administrative components of a central outreach, case-management, and follow-up system geared to assist individuals, families, and communities receiving services from the various private, voluntary, and government agencies operating in the district. The primary purpose of the system is to promote effective service delivery by having similar agencies act in unison for the benefit of clients. The program of integration when implemented, will create a central pool of expertise and resources in which the goals of service are meshed in a common framework of social service delivery. We are proposing the establishment of a one-stop multi-service social service agency.

The multiplicity of existing services currently operating in relative isolation from each other, can only result in confusion, inefficiency, and lack of service to the client. It is obvious from the immense social problems of the District, that a serious need exists to implement a change in the present delivery system considering that HUMAN BEINGS are at the mercy of this confusion. Programs are too often designed for categories rather than people.

Concomitant to our general purpose is the welding of groups of human development workers differing in training, professional outlook and tradition into an integrated social service delivery team with common area and district objectives.

#### WHAT IS PROPOSED?

A new local-authority agency providing a community-based, family and community development oriented service; available to all, and reaching beyond the present discovery and rescue of social casualties, with the major emphasis on the development of preventive services.

### WHY THE NEED FOR CHANGE?

Because of shortcomings in the present set-up, namely; inadequacies in quantity, in range, and quality of services available, generally poor coordination, difficult access and insufficient adaptability to the excruciating problems of the Kenora area.

### CATEGORIES OF SERVICE INCLUDED IN THE PROPOSAL.

The following categories define the core operations of the new multi-service agency:

1. ACCESSIBILITY (Advice and referrals, Liaison and Complaints)
2. TREATMENT (Prevention, Correction-treatment, Rehabilitation)
3. SOCIALIZATION AND DEVELOPMENT (Fulfilment of unmet human needs)
4. EQUALIZATION (Services creating equality of opportunity and conditions)

### KENORA SOCIAL PLANNING COUNCIL PROPOSALS AND ASSUMPTIONS

1. We feel that the development of appropriate and adequate Social Services depends upon maintaining money income sufficient to enable all citizens to live with health and security. That is, the service must give assurance of an adequate income for all citizens and employment for those able to work; Social Services are not a substitute for cash income.
2. We urge the integration of cash assistance, or cash payments, and the provision of Social Services in the District of Kenora where individual and community situations are affected by a multiplicity of negative social factors.
3. The integration of established and competing social service structures:
  - A. Government Organizations B. Voluntary, non-profit agencies, (variously known as quasi-private, quasi-nongovernmental, and sometimes erroneously, as quasi-governmental agencies) C. Private-for-profit (entrepreneurial) organizations. Examples (A.B.C.)
  - A. All services provided by the Ministry of Community and Social Service (recreation, institutions, community development, welfare, etc.), probation and after-care, Municipal Welfare Services (welfare, special needs - would include in the Kenora Experimental Area the communities of Keewatin, Kenora, and Jaffray-Melick)



B. The Children's Aid Society of Kenora and District, The Big Brother Association of Kenora, The Big Sister Association of Kenora, government financed citizens groups: Indian-Metis Association, Grand Council Treaty 3, Information Centre, Tenant groups, etc. C. Treatment institutions for the emotionally disturbed, certain legal services, etc.

4. One feature of the new agency will be the establishment of an integrated research department capable of developing appropriate and innovative service delivery mechanisms with consumer involvement. This would include the setting of regional priorities in the areas of hard-core poverty, economic retardation, and children-youth programs, and the initial consolidation, integration, and coordination of agencies falling with-in the scope of this proposal.

5. In order to realize our objectives for Kenora District we require local control through a citizen-board (composed of elected and appointed representatives) over the expansion of social service manpower to meet the growing and future needs of various programs entrusted to the proposed private social service corporation. For example, institutional and in-service training for sub-professionals, paraprofessionals and professionals, the establishment of career ladders, involvement of indigenous and youth resources in service careers.

#### IDENTIFIED DRAWBACKS IN THE PRESENT SOCIAL SERVICES IN KENORA

(These factors were identified following a day long meeting of Social Service, Education, and Health officials held in Kenora in 1971, and subsequently, verified through a series of individual interviews with representatives of the various agencies.) The administrative, policy, and physical separation of Kenora District social agencies providing services in the field of human and community development, makes effective coordination, communication, and cooperation impossible.

Because of the sheer numbers of social service agencies of all descriptions, each agency is unsure of what the other does, what their problems are, how they are hanging to meet new needs, and what administrative changes occur with the addition

of new personnel. In this jungle of competing agencies, meaningful communication is impossible not because of administrative stubbornness or unwillingness to divulge information, but because of basic institutional deficiencies which sees the accretion of one service piled on related services without an interconnected administrative and policy frame-work and common objectives to guide them.

The fragmentation of services in the District is obvious, undesirable, and indefensible from both a cost and service delivery standpoint. In Kenora and Northern Ontario generally, we have numerous agencies working on similar social problems, ostensibly trying to accomplish the same social ends, but each working outside a coordinated framework. In many cases a similar service is being provided to a family or community by several different agencies. As a result, individuals and communities are often overprogrammed by agencies anxious to compete for treatment intervention time. We have documented evidence of instances where client-units have had their day-time exhausted by calls from different agency representatives. It seems true to say that agencies attempting to accomplish similar goals but using different methods, are working at cross-purposes and cancel each other out in the provision of social development services.

Role Confusion: The separation of the social services, the multiplicity of existing agencies, the competition for client attention (involvement and time), creates role confusion and identity distortions for both staff members and clients. The negative personal and institutional effects created by this hodge-podge of competing interests can be elaborated and enumerated ad infinitum. To do so, would exhaust time and encroach upon eternity. Suffice it to say that it results in defensiveness, tendencies to scapegoat, non-adaptability, discrimination, an uninformed public, a poor referral system, and an ivory tower approach to social problems. In this system, policies and position become more important than the human problematic.

THE ROLE OF GOVERNMENT IN FURTHERING THE INTEGRATION OF SOCIAL SERVICES  
IN THE DISTRICT OF KENORA.

Government has the choice of providing its services directly or through voluntary agencies. In this proposal members of the Kenora and District Social Planning Council request that government implements its services through the purchase of service from a local/regional authority established as a corporation under the Ontario Corporations Act. The corporation would be an amalgamation of present government social service agencies operating in the district, government services let for purchase by quasi-private agencies, and social agencies financed wholly or in part by government but without direct accountability or contractual links to it.

The Kenora and District Social Planning Council recommends that the following principles be applied by government when reimbursing the proposed Corporation for services rendered.

1. That payments by government to the corporation for services provided, under either mandatory or permissive legislation, should be at actual cost of the service or at the cost of a comparable government program.
2. That when government enters into purchase of service agreements with the Corporation, the contracts should be specific, standards and eligibility requirements should be clearly set out, and it should be agreed that the corporation, acting on the government's behalf would determine the eligibility of the recipient of service, using forms and directives acceptable by both parties, as determined by its Board of Directors in consultation with government authorities.
3. Once a policy is adopted expressing the desirability of greater participation in what used to be dealt with through autonomous decision-making, resources have to be freed for its implementation. Accordingly, we recommend that government in entering these arrangements should agree, for a specified period of time, a willingness to assume responsibility for any cost of service over and above those provided at the time in government institutions. The intention of this clause (in the purchase of



service agreement) is to provide the corporation with an opportunity to plan, upgrade, and develop a level of service compatible with the extreme needs of the District of Kenora; that is, a plan to elevate the social service resource base to a level equal with the urban areas of Southern Ontario. We feel that this is most important in an area in which exist social problems of the most fundamental dimensions.

One only has to listen to the Canadian Broadcasting Company National News to realize that the social problems in the District of Kenora are of a scale to draw national attention. In recent weeks local, regional, and national media have highlighted the mercury pollution problem with its negative economic consequences for Indian and White people in the area and the spiralling liquor offense arrest rate in the community of Kenora. Generally well known is the high rate of juvenile offenses (with offenders being incarcerated in training schools located over a thousand miles from home) and the over 100 percent increase in the first quarter of 1973 of the number of children requiring protective care by the Children's Aid Society of the District of Kenora. A comparative example with a Southern Ontario Children's Aid Society may be helpful. The Metro Toronto Catholic Children's Aid Society is one of the largest child care agencies in Canada. Compared to the Kenora Children's Aid Society which at its present rate will take approximately 550 children into care during 1973, the Toronto agency apprehended 941 children in 1972, yet it has a tremendous resource base for placement and treatment, and literally hundreds of social workers, and specialized nursing, medical, and psychiatric assistance in the building. Our area does not have the specialized child care resources or the basic placement resources to prevent, ameliorate, or even handle its social problems. Considerable evidence exists that available statistics only reflect the tip of the social deterioration of the area; no concerted effort is being made to help youngsters of very tender age who sniff glue, abuse alcohol, or use drugs. In a few years we will reap the inevitable social consequences of this institutional myopia. And yet,

the problems of adults are of such a severe nature that every available resource must be mobilized constantly to keep the situation under control.

Our recommendation for the establishment of a private corporation with pre-formulated contractual links with government, under a citizen-board composed of elected and appointed officials, would fulfill in part the Democratic ideal of citizen participation in decision-making in matters affecting their daily existence, in preserving local control and autonomy in service delivery, and by providing clients with an opportunity for immediate appeal and confrontation matters deemed inimical to their social interests and rights. This type of organization has unlimited potential for involving the community and for developing community leadership. The close financial relationship of government with the proposed corporation would enable them to provide their traditional services at cost, make an eventual equalization of services possible, and expedite the development of special programs which are essential to prevent the continued deterioration of the social fabric now evidenced in the area.

We are wary of dogmatism and wish to make it clear that our recommendations are not a prescription for the development of social services in other parts of Ontario. Our proposals and recommendations only apply to the special problems of the immediate Seneca area which we firmly believe are different in content and quality from the urban areas of Southern Ontario. The closer the service is to the recipients own community, the more effective it is. The Agency must be community based to be accessible.

#### IDEOLOGY AND SOCIAL SERVICES: THE VESTED INTERESTS OF SELF-PERPETUATING ELITES AND SOME COMMENTS ON PRIVATE AND PUBLIC INTERESTS

If separate agencies are going to have their services integrated, we anticipate the need for a central authority greater than the authority of individual members. Those who actually profit from the status quo are not going to support plans to change contrary to their interests.



The elaborate rationalizations often employed to argue against change in the established order is illustrated by the following quote:

"The greatest value inherent in the presence of two or more agencies offering the same services is the choice provided for recipients of service, the identification of service with supporting groups and the inevitable healthy competition that develops." 1.

The ideology of free competition, freedom of choice, and free association expressed by the statement clearly reflects the shibboleths of the free enterprise system. Its respect for the free market system and faith in traditional democracy is final, and apparently unquestionable. Its emphasis on territoriality and the unfettered exercise of one's profession serve the tired ones, the ones with position and influence, the ones who would rather hold what they already have than risk the challenges of new action to bring about needed changes. "Competition", "choice" and "individual dignity" are useless rhetoric in an area that has no viable free enterprise system and where the majority of its poor and underprivileged have for thousands of years hunted and fished in the framework of a tested and established communality.

**WHY A NEW AGENCY:** The corporation will be a product of its own community and service area, responding to that area's social, cultural, and economic differences. Its unique structure lends itself to change in the District. The need to return to locality-based programs is increasingly supported by government in areas such as social and economic development. The voluntary nature of the proposed corporation, with its elected and appointed officials, brings power distribution to the community level in cooperative liaison with government.

#### CORPORATE STRUCTURE

The Corporation will be composed of a Regional Board of 10 elected members; two from each of the five service areas: Sioux Lookout, Kenora, Dryden, Red Lake, and Fort Frances. The five areas will each have an elected board of 8 members; these area boards will send two delegates each to make up the regional board.

## REGIONAL BOARD

With authority flowing from the Corporations Act, the regional Board will allocate budget priorities, and undertake fundamental and incremental planning for the social development of the region.

## AREA BOARDS

Area Boards provide overall direction for the development of social programs in their area and provide immediate supervision to the AREA DIRECTOR.

## AREA DIRECTOR

The Area Director is responsible for the management of all social service programs and resources in his area. He is appointed by the AREA BOARD.

## CORPORATE PLANNING

We do not assume that the problems of our area are inherent solely in the arbitrary jurisdictional boundaries established by agencies and that the only crucial reform needed is the reorganization of the total framework of splintered and separated social services. While change in isolated bureaucracies is necessary, it is not sufficient. The total welfare system needs to be integrated and made more coherent through coordination. We emphasize linkage, integration, coordination, and coherence.

One feature made possible through integration and internal coherence is the establishment of a central planning department. In order to overcome the defects of years of friendly and voluntary liaison and the resulting institutional myopia, we feel that social planning for this area cannot be neutral with respect to the distribution of resources to different groups. In the District of Kenora, planning must include provision for special interest groups to advance their claims for treaty rights, public services, or policies to serve their particular needs.

Accordingly, it is envisioned that one segment of the corporation's research and planning component will concern itself with providing technical services for special interest groups, helping to translate their values and goals into useful and meaning-

ful social service programs. Government by a citizen-board will increase the new agency's ability to become an effective corporate advocate that will press for a greater share of provincial and national resources for adequate housing, education, medical care, welfare assistance, and job opportunities commensurate with the needs of the area. With local and area support and a better organized welfare system their special interests are likely to become incorporated into new definitions of the public interest, one which will give explicit attention to the distribution of resources. This planning component of corporate endeavor in the District of Kenora, is designed to supplement and supersede the public interest values of economy, efficiency, and conservation and, in time, will be seen as a means of achieving other area values that will also be widely accepted: raising living standards for people at the bottom, enlarging the choices open to individuals, equalizing life opportunities through the provision of good public services for all, and reducing material inequalities. When these values are taken seriously as a basis for social action, it will no longer be necessary to legitimize programs of social reform as an expression of private interests advanced through advocacy on behalf of the poor. Government must not be afraid to support this feature of corporate operations for it is absolutely necessary to promote its active expression if proper measures are to be discovered and implemented in the District of Kenora. Summarizing this portion of our presentation we wish to assert that we do not feel that money invested in social service programs should necessarily be self-liquidating. On the contrary, adequate social provision in this social service retarded portion of Ontario, an area containing more than one-third the land mass of the province and the home of over 25 percent of Ontario's native population, is a legitimate social goal without justifying its contribution to reducing poverty. Our corporation will be unable to function properly if government places it in a position of viewing poverty, juvenile delinquency, alcoholism, and child neglect as social-psychological problems inherent in those who are demoralized, rather than as a moral problem, inherent in a society which humiliated them.

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RESUME  
OF THE FEELINGS OF  
INTER-AGENCY CO-ORDINATING COMMITTEE SUB-COMMITTEE  
LOOKING AT THE PROPOSED REORGANIZATION PLAN FOR  
SOCIAL SERVICES IN THE KENORA DISTRICT.

It was felt that a central building to house all the social services would be an important step forward in buck-passing prevention, and would have several cost benefits regarding the operations management of several offices. Clerical assistance might be centralized also - a cost-saving factor. A central filing system would cut down on paper work, office time spent in the duplication of filing systems, and could generally develop a client-centered concept of social services as opposed to the current situation which tends to focus on the agencies.

This line of thinking could lead to a generalist social caseworker concept whereby the caseworker would be allotted a "territory" or list of families and individuals. The caseworker would then have a responsibility for the delivery of a broad range of social assistance programmes to his or her clients. This system would prevent a large scale intrusion of many social agencies into one home - and would hopefully allow for a bond to be developed between caseworker and client. Such a delivery system could be highly efficient in terms of cost benefit, as it would avoid a duplication.

It is recognized, however, that the caseworker could not be in a position to assist in cases where specialized help were necessary. In such a case the worker would need to call upon a "bank" of specialist knowledge for assistance. Ideally a resource person would then be admitted to the home and work with the caseworker. At the end of the period of counselling treatment the specialist would fade out from an involvement at the family level - although presumably taking part in a co-ordinated follow-up through the caseworker.

Depending upon the demand per capita for the specialized resource persons

i.e. Psychologist

Psychiatric Social Worker

Legal Aid Counsellor

Therapeutic Recreationist....they would be

located either at the area level (i.e. Red Lake) or the Regional Level (i.e. Kenora). It was felt that the Regional level should be the furthest removed - although it was accepted that occasionally Resource persons would have to be released from Toronto or Thunder Bay in special cases.

This represents a plea for an availability of services currently available in Toronto but not west of Thunder Bay. It also takes note that although some agencies in Thunder Bay have a mandate to service Northwestern Ontario they are either unable or unwilling to do so - usually because of the insufficient availability of staff.

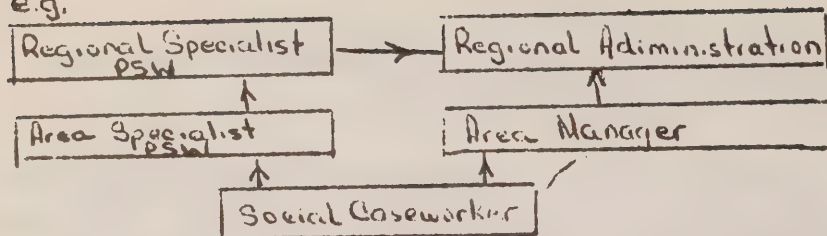
The concept of the area director advanced by the Kenora District Planning Council was discussed at length and it was considered that what was wanted was a decentralized decision-making structure, decentralized from Toronto that is - and not specifically a decision made in Red Lake.

If an agency building were to become a reality, the Telex-Communication system would provide for swift decision making at the Regional Level. It is suggested that increasingly decentralized decision-making capacity at the Regional Administrator's level is a possibility - and that such a move could indeed provide for an increased decision-making capacity at the area level.

A problem envisaged was that of administrator vs specialist. The caseworker interested in upward mobility would have a choice of opting for specialized advancement, or advancement through the administrative structure. The specialist would, of course, have the opportunity to enter the administrative structure at a later level, although the converse is unlikely to occur.

e.g.

- 2 -

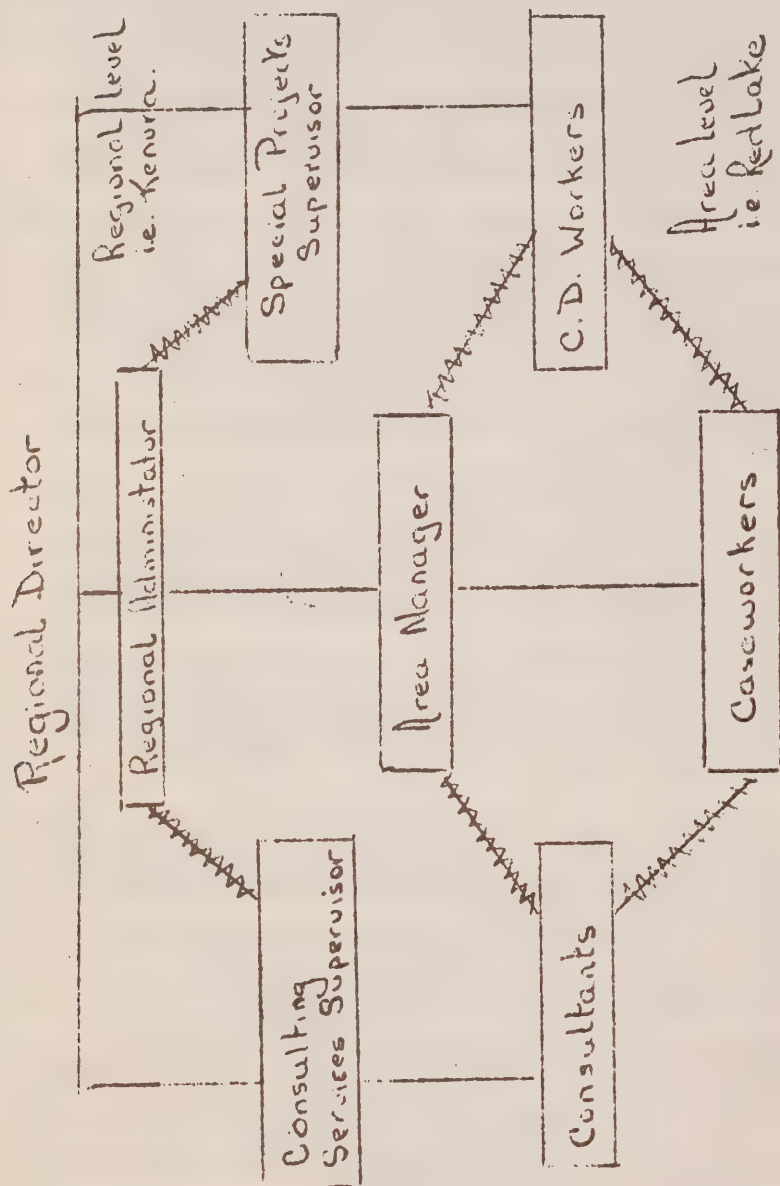


KENORA

RED LAKE

RED LAKE

The concept of an elected board was considered to be impracticable, and the experience of agencies working under Boards currently was cited.



— chain of command  
 chain of liason (a 2-way process)



" JOB DESCRIPTIONS "

REGIONAL DIRECTOR - probably a political eminence - like the commissioner of North West Territories would be involved almost entirely in making sure that the money comes from Toronto, would report to Deputy Minister or Assistant Deputy Minister.

REGIONAL ADMINISTRATOR - would run the decision making bodies in Kenora. No files on individuals would go further than Kenora. Appeal Board would take over any claim to higher authority at this point.

AREA MANAGER - local administrator would supervise caseworkers, allocate workload, and be responsible for office management of the large building.

CASEWORKER - General social work with families and individuals. Would refer problems of specialized nature to.....

CONSULTANTS - Some would work at Area Level ( Red Lake ) some would work out of Regional Level ( Kenora ). Would provide expertise on problems associated with clients and the administration of the Welfare Act.

Often these people would be medical, para-medical, or para-educational types - and would come under a broad heading of Mental Health. They would also include expertise on geriatrics, rehabilitation etc. Legal Aid counselling would also come under this heading.

Eg: Red Lake might qualify for a P.S.W. at the local level, and share the services of a pediatrician and a psychiatrist with the region - on the basis of the resource persons travelling to the clients rather than the other way round. Red Lake might have it's own courtworker - but get services from lawyers the Human Rights Commission, Workmen's Compensation Board etc. from the region (Kenora). N.B. - The professionals described above need not necessarily be civil servants but their services would be obtained through and financed by the public purse.

COMMUNITY DEVELOPMENT WORKER - would be involved in long range projects designed to take people off a reliance upon public assistance and develop a job potential in close co-operation with departments concerned with Regional expansion. Also would work with minority groups, ethnic groups, in a programme of self help and determination. There may be more than one in each area.



# PROPOSAL RE MEDICAL SOCIAL WORKER FOR THE RED LAKE DISTRICT

DECEMBER 1973

The following observations and suggestions are presented to you in an effort to bring to your attention the need for a medical social worker on the staff of the Margaret Cochenour Memorial Hospital.

## FUNCTION: IN HOSPITAL

The medical social worker operates as part of a team, in conjunction with the physician, nurse and other paramedical personnel. She requires an intimate knowledge of the personal and social situation of the patient in order to assist him in using those resources in the community which will enable him to regain his health most quickly. The physician is recognized as the team leader. The social worker, acting as a liaison, interprets to the patient the requests and recommendations of the physician. She helps the patient to understand his condition and encourages him to make the best use of the treatment and care provided. As information and assistance of this kind will frequently involve the patient's family she thus extends the medical service of the hospital into the home and community. This personal contact with the individual and his family can also provide valuable background information to the physician in regard to his diagnosis and treatment.

## FUNCTION: FOLLOWING DISCHARGE

A medical social worker would be in a position to instruct the patient and his family in regard to prescribed diet, medication and exercise as well as make arrangements for referrals to clinics, other hospitals or for specific services such as Day Care or Homemakers. Referrals to existing community agencies, for example, the Childrens Aid Society, Public Health Unit, Community & Social Services and the various Municipal Welfare Offices could be instrumental in the early discharge of numerous patients. In general, she would be concerned with the social and economic conditions of the patient and his family and aware of <sup>the</sup> effect on the physical and emotional well-being of that individual.

## THE NEED:

To-day's physician no longer has the time or, in many cases, the opportunity to be acquainted with the living conditions, income, habits and personality of the patient as did the family doctor of a generation ago. The staff nurse is rarely in a position to make a referral to a community agency or resource - even if she is aware of such a service and frequently I think she is not.

In our present situation the public health nurse, Mrs. W. McDougall, assumes much of the responsibility for the functions outlined above but due to an all ready heavy caseload her time outside the specific public health field is necessarily limited.

There are many valuable social services available in our community but our knowledge and use of them is limited. Why?

When a person is admitted to hospital as a result of an alcohol problem who

directs him to the local A.A. group? Or refers him to 'Office 2300'?

When a teenager is admitted with depression how much time can a doctor give this patient in an effort to sort out his or her problem?

Again, when our young people are admitted as the result of experimental use of drugs who can they confide in?

Why do our various community and social service agencies hear on the so-called 'grape vine' that a patient is in need of assistance? Why is a referral not automatic? Whose responsibility is it?

When a patient is admitted with physical trauma this is obvious and treated but mental or emotional pain is often more severe, though less visible, who has the time to spend with this patient?

Why in our community do we rely so completely on our clergy for counselling services? For many people this is not satisfactory.

When a native patient from one of the northern settlements is hospitalized and then transferred to another hospital or institution who maintains contact with the family re the patient's condition, length of stay etc.?

Whose responsibility is it to arrange transportation home for people who have been sent to Winnipeg or Thunder Bay for treatment?

Who is responsible for locating the parents of a child who has been discharged from hospital and no guardian or parent can be contacted?

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This proposal was drafted hastily in an effort to have it prepared for presentation at your December 5, 1973 Board meeting. However, my questions I feel are legitimate as is my suggestion that you give serious consideration to the feasibility of appointing a medical social worker to the staff of the Margaret Cochenour Memorial Hospital - someone who will have the knowledge, concern and authority to deal with the situations outlined above.

This proposal has been considered and endorsed by the following people, all of whom are familiar with the social problems of our district.

Dr. D. Millar-Williams.....	Red Lake Medical Group
Mrs. W. McDougall.....	North Western Health Unit
Mrs. B. Busse.....	Cochonour Memorial Hospital
Mrs. B. Habina.....	Childrens Aid Society
Mr. J. Johannesson.....	Community & Social Services
Mrs. L. Walsh.....	Municipal Welfare, Red Lake
Mrs. I. Trow.....	Municipal Welfare, Balmertown
Mrs. M. Pasloski.....	Community & Social Services
Mr. M. Hodgson.....	Office 2300, Councillor

My intention in the near future is to compare conditions in the Sioux Lookout and Thunder Bay areas and see how similar problems are being handled there.

I expect to receive relevant literature this week and hope to learn what procedure is necessary in order to obtain a medical social worker under the legislation as outlined in the Hospitals Act.

Respectfully submitted,

(Mrs.) Carol Lapointe





MINISTRY OF COMMUNITY AND SOCIAL SERVICES

THE PHILOSOPHICAL AND WORKING PLAN APPROACH

ADOPTED FOR THE PREPARATION OF A PROPOSED

GREEN PAPER

"PLANNING FOR SOCIAL PLANNING"

PRECIS

P. CAPPS

JULY 17th, 1974



## 1. Background and Philosophy

The varied history of Social Planning in Ontario illustrates the sincere response of dedicated individuals and groups attempting to grapple with the affects of rapid changes in our Social environment.

It is recognized, however, that no amount of planning will adequately solve problems or achieve significant results unless there is a coordinated approach to communication, implementation, evaluation and revision as circumstances dictate. Built into the process must be continuous involvement and support of all those who are needed to achieve the stated objectives. There must be a variety of organizational structures and jurisdictions through which opinions may be expressed and from which a mosaic of alternative approaches, solutions and priorities may emerge.

Unfortunately one basic cause of some of the current problems facing social planning in Ontario may well be the lack of involvement of all those most concerned. The effects of this may be discerned in some confusion over roles, lack of coordination in certain areas and a fragmented approach that has led to duplication and gaps in Service, Research and the collection and utilization of Social data. The search and demand for increased funding has also

3. The views and opinions of foundations, agencies, councils, committees etc. and all levels of governments were vital and they were to be solicited during the study process.
4. In order not to prejudice the position of those outside the Ministry who may subsequently wish to critique or comment on the Green Paper, the working committees involved in the various studies would consist solely of Senior officials from within the Ministry. Independent Consultants would however be used as and when it was deemed to be appropriate.

## 2. The Work Plan

The Minister's instructions led to the formation of a small steering committee:

Mr. Alan Gordon Chairman	Asst. Dep. Minister Program Development
Mr. J. Anderson	Asst. Dep. Minister Program Delivery
Mr. P. Capps	Director, Research Branch
Dr. C. Hendry	Ministry Consultant
Mr. G. Lethbridge	District Director, Lindsay
Dr. L. Lundy	Chief Research Consultant
Mr. H. Willems,	Executive Director, Western Area



which subsequently identified six major study areas:-

1. The issues facing Social Planning in Ontario.
2. Local Agency concerns and liaison.
3. Inter-Ministry liaison.
4. Social Planning in other jurisdictions, Provinces etc.
5. Social Planning systems and funding.
6. Social Research, policy and data.

Working committees have been formed to address each of these subjects and all will submit their final reports and findings by December 31, 1974. Over 30 Senior officials in the Ministry are involved.

The target date for the completion of the draft Green Paper is January 1975 at which time it will be submitted to the appropriate Cabinet Committees of Government for their approval and permission to publish in approximately March 1975.

PRESENTED TO: The Honourable Rene Brunelle  
Minister of Community and Social Services  
Government of Ontario, Queen's Park, Toronto, Ontario

1974

SUBMITTED BY: Red Lake District Inter-Agency Co-ordinating Committee

RE: Ministry of Community and Social Services - Philosophical  
and working plan approach adopted for the preparation of  
the proposed Green Paper "Planning for Social Planning".

Essentially this paper is presented as a response to the request of the  
Minister of Community and Social Services for public input into govern-  
mental planning for social planning.

This paper will not deal with a working plan for social change.

Rather this paper will attack what appears to be the current philosophical base  
underlying existing social programs. In addition it will present an  
alternate philosophical approach upon which social programs should be  
based. Existing programs administered by the Minister of Community and  
Social Services appear to be premised on the belief that society owes some  
sort of debt to the less fortunate members of society and that this debt  
must be met by governmental handouts!!

This paper strongly rejects this philosophical base.

It is felt that all members of society have the right to share in the  
benefits of the society but that these benefits must be earned by the  
productive input of those who would participate in the benefits.

Many existing programs are designed in such a way that administrators  
have no control over either the placement of funds or the needs of the  
recipient. Consequently an attitude is developing wherein larger and  
larger segments of the population are willing to apply for and accept  
the benevolent financial gifts of the government as opposed to taking  
any meaningful, individual initiative toward easing their adverse  
economic plight.

As more and more people accept this benevolence and as the so called stigma of accepting such payments becomes less and less the number of applicants and recipients increases; government spending therefore increases accordingly as must the tax burden of those who are expected to provide the financial resources necessary to carry out the programs. That these tax burdens are already over-whelming is already obvious. The rate of increase of the budgets required to finance such programs attests to the fact that more and more individuals are finding it easier to accept & even expect the benevolence of the state. The only way that such run-away programs can be controlled is through a complete change of thinking at the highest governmental levels. It is not the responsibility of society to provide for those unwilling to make attempts to provide of themselves. The onus must be placed on the individual to use his own initiatives to provide for himself. Any meaningful social planning must be designed around programs which will encourage and even force the individual to fend for himself.

"If you give a man a fish, he will eat today: if  
you teach a man to fish he will feed himself tomorrow".

#### WORKING MECHANISM

The administration of programs premised on the belief that one must work in order to draw financial benefits from the state would require only a change in the job description of existing administrators. In place of overseeing individual cases and authorizing payment of funds upon application such administrators would oversee local make-work projects and keep time sheets.

If one thing has been learned from Federal Government Local Initiatives Program it is that local jurisdictions can conceive a variety of useful projects to provide employment and enhance the local area.

It is strange indeed that individuals should at present be able to draw funds without working when such socially beneficial projects go unfinished because of lack of labour.

#### SUMMARY

It is the view of this paper that everyone has the right to work for remuneration and that it is the responsibility of society to provide such work when an individual is unable to locate it for himself.

This paper rejects the idea that capable, able bodied individuals have the right to be maintained at the expense of society because work of their choice is not available.

A SUBMISSION TO THE TASK FORCE ON LEGAL AID PLAN IN ONTARIO  
SUBMITTED BY RED LAKE DISTRICT INTER AGENCY COMMITTEE  
RED LAKE, ONTARIO.  
1974

The Red Lake District Inter-Agency Committee wishes to express the following concerns to the Task Force on Legal Aid. In our area there appears to be two major problems. The first of which although not directly dealing with legal aid is closely related and greatly affects the efficiency of the legal aid system and the second will deal directly with the present legal aid plan as it affects Red Lake and District.

1. LACK OF AVAILABILITY OF LEGAL SERVICES

graphical  
tion Red Lake is located at the end of highway 105 with an approximate population of 6000 people. The closest practising solicitor is at Dryden a distance of 130 miles with the majority of solicitors practising in Kenora which is 170 miles from Red Lake. It becomes very costly to take the time off work as well as transportation to travel this distance in order to consult a lawyer, let alone to obtain a lawyer and to have an interview. As a result most people wait until a lawyer comes to Red Lake for Provincial Court which happens only twice a month on a regular basis.

In most instances the lawyers only visit Red Lake if there is a case in Provincial Court or if they have been appointed to act as duty counsel. This often means arriving in Red Lake an hour before court is to begin.

Time of  
Requests The large number of people waiting to see a lawyer either through the legal aid system or a solicitor of their own creates a scene outside of the courtroom which is nothing short of pandemonium. Often times only one lawyer appears in Red Lake for Provincial Court and at times only



because he has been appointed duty counsel for the particular court. For him to attempt to see the number of people within the hour previous to court make the interview nothing short of being farcical as the clients are hustled in and out of the Duty Counsel office.

Legal  
Counsel

The solicitors from Kenora and Dryden who service ~~this~~ community have their own practise in their respective communities. All too often because of already extremely heavy workload in their own locale they are reluctant and at times refuse to accept the additional legal aid caseload. As a result Legal Aid applicants who have received their certificates often have to approach several solicitors before they are able to obtain counsel or wait to see who appears in Red Lake on the day of court. The solicitor because of insufficient time to properly prepare a case asks a remand until the next time he has to come to Red Lake. This at times is several weeks which poses much frustration to the individual. Many Legal Aid clients feel they are being brushed off because they are legal aid recipients because they do not understand the lawyers work load.

#### 11. PROBLEMS WITH THE LEGAL AID PLAN

Lack of  
Information  
Re: Legal  
Aid

It has become quite clear to the social agencies within our community that society on the whole is unaware of Legal Aid services. With the exception of those who have fairly frequent contact with the various social agencies in the District the general public has little or no idea of what Legal Aid is and how it works or how to apply for it. Of those citizens who have heard of Legal Aid many are under the impression that it is available only to "welfare recipients". They are unaware of the principles behind the programme and do not know that many other than "welfare recipients" are eligible.

Ignorance  
of the Law

The general public on the whole is ignorant of how the enforcement of the law and court proceedings are carried out. There is a general lack of even the basic legal information in to-days society. On many occasions it has not been until the accused appears in court that he is advised to obtain legal counsel and often times this has come from the Judge who is to hear the case. Very frequently it has been the Judge who has advised the accused that he should see the Duty Counsel and at the same time remands the case for another month. If the accused were aware of basic legal information the whole process of obtaining legal aid could have been initiated on the day the charge was laid and been prepared to present the case on the first hearing. This causes a great backlog within our present court system of untried cases.

The Process  
of Applying  
for Legal Aid

The process of applying for legal aid is one of the major factors contributing to the back log of court cases to be heard in Red Lake.

This becomes further complicated by the fact that Red Lake is 170 miles from Kenora and all correspondence must be done via mail. To fulfill all the necessary steps to become eligible for legal aid can take as long as six weeks.

The original application is filled out and sent to Kenora in order to obtain permission to apply. The approval for permission to apply (Form 5) is then sent to the client who along with the letter obtains the assistance of the Community and Social Services personal. Unfortunately the information received at this point is very vague and the client does not have the necessary information required to fill out the means test (Form 1). This becomes especially true of many living in Red Lake who have moved here from other communities seeking employment. Some clients have to write to finance companies from New Brunswick to Vancouver in





# REPORT

Red Lake

DETACHMENT

DISTRICT Kenora

DATE 21 February 1974 19

TASK FORCE ON LEGAL AID.

First & Final	REPORT	D.H.Q. FILE	DETACHMENT FILE
			662 - 60

1. CASE BACKLOG:

Provincial Judge's Court, Criminal Division, is plagued with a backlog of cases. Although a portion of these cases are dragging on due to the rotating system of Provincial Judge's during the fall of 1973, the greater number can be attributed to the unavailability of legal counsel at this location. See #5 Recommendations.

2. ADJOURNMENTS AND REMANDS:

In a great majority of cases, an accused person charged with a minor criminal offence will make two or three appearances in court finally setting a date. On his trial date he is still without counsel and is then warned by the Prov. Judge that his next appearance will be for trial with or without counsel.

Again this can be attributed to the unavailability of counsel to some degree. The accused is obviously at fault here but leans on the excuse of slow processing of legal aid forms and no lawyers at his immediate disposal.

3. OVERTIME AND SHIFT SCHEDULING:

It is an obvious impossibility that shifts be scheduled to accommodate an officer's appearance without some overtime. For instance on January 17, 1974, Provincial Judge's Court opened at 10:00 A.M. and was closed at 10 P.M. There does not appear to be any relief in the near future.

Selected at random from the 1973 overtime file, one Constable's total court time for the year was 95 hours.

A heavy burden is placed on a member who has to attend a lengthy court sitting while on midnight shift.

4. MARKED DIFFERENCE IN PLEAS:

I would like to site typical situations in this area.

(a) An accused will plead guilty to a charge, the Crown

Attorney reads the facts and before the Provincial Judge makes a finding, the accused is asked if the facts are "basically" correct. Should he be uncertain or reply in the negative the Judge strikes the plea and sets his case further down the docket, advising the accused to discuss the matter with counsel.

(b) We have many "repeaters" in this jurisdiction who appear and re-appear with similar offences on numerous occasions.





# ONTARIO PROVINCIAL POLICE REPORT

-2-

Red Lake

NO. #17 DISTRICT Kenora

DATE 21 February

RE TASK FORCE ON LEGAL AID.

First & Final

REPORT

D.H.Q. FILE

DETACHMENT FILE

662 60

Constantly facing minor gaol terms these offenders plead not guilty and seek counsel. Once on trial the obvious untruths put forward by an accused convicts him in the end. I feel that when an accused appears for trial especially a constant minor offender without benefit of witnesses on his behalf, it is a waste of time on behalf of the court and money on behalf of the tax payers. I am not suggesting that an accused of this nature be refused the right of counsel. I do strongly suggest that duty counsel scrutinize their client's case closely, especially where he is dealing with a window smashing petty thief who has been "through the mill" countless times.

This would eliminate a cluttered court docket to some degree and also produce a more economical approach to the Legal Aid Plan.

## 5. RECOMMENDATIONS:

(a) In Red Lake we have two Criminal Courts monthly and eight courts presided over by a Justice of the Peace hearing all summary conviction Provincial Statutes with a few exceptions.

Without exception duty counsel arrives on the eve of Criminal Court and spends hours during that evening interviewing persons at his hotel or motel as the case may be. Arriving in court the next morning to find another dozen wanting to speak to counsel, he is constantly in and out of the courtroom, setting cases aside, and generally speaking has "run the gauntlet".

It is our suggestion that Legal Aid counsel be present on a day prior to two J.P. Courts per month to interview and where necessary speak on behalf of an accused. This would mean that all criminal matters be dealt with in the Summary Conviction Court until prepared to proceed on a not guilty plea in Provincial Judge's Court.

Very few accused persons in this area make an attempt to retain counsel prior to their first court appearance. A number of reasons i.e.: no income, geography, no phone etc., are given to the court. There is an obvious need for counsel's presence prior to, and during J.P. Court.





# ONTARIO PROVINCIAL POLICE REPORT

Red Lake

DETACHMENT

#17 DISTRICT Kenora

DATE 21 February 19 74

AK FORCE ON LEGAL AID.

Initial & Final	REPORT	D.H.Q. FILE	DETACHMENT FILE
			662 60

I have made these suggestions known to Crown Attorney E.C.BURTON for his perusal and subsequent discussion with the Legal Aid Authority J.J.LONER in Kenora.

## ACCEPTANCE AND SUCCESS:

The legal aid system is established and accepted in this detachment area. For the most part it is successful because of the large number of people living in the area who are financially unable to retain legal counsel when charged with an offence. The greatest drawback is the unavailability of lawyers in the Red Lake area, the closest being Kenora and Dryden.



February 20th, 1974

Mr. A.E. Johanson,  
District Director,  
Ministry of Community & Social Services,  
Box 429,  
KEEWATIN, Ontario.

Dear Mr. Johanson:

Received your Memo regarding the Task Force on the Legal Aid Plan. I would assume you will perhaps have some comments relayed to you and could be correlated from the area rather than individual sources.

In our area I find the following problems brought to my attention both through Welfare cases, i.e. deserted wives etc., and municipal cases coming to the office for information.

- (1) Very few people seem to be aware of the Legal Aid Plan, and how they can obtain the services of a lawyer. Only people on welfare seem to know about this service, and a great majority of them are very vague on the subject.  
  
Would recommend greater publicity either through insertion of leaflets in Family Allowance cheques which cover a wide group of people
- (2) Lawyers coming to our area are much too busy and do not have adequate time to spend with applicants. Family court is every two weeks and different lawyers appear so there is no continuity. Applicants are required to wait for hours and thus if paid on hourly wages can lose up to half a day to a whole day at court AND THEN HAVE TO COME BACK and repeat the whole process.
- (3) Frequently persons only require information as to what steps they should take in resolving a problem, but it requires the legal advice of a qualified lawyer to answer the questions. Depending on the nature of the

.....Cont.

problem, municipal officials are reluctant to advise on legal problems requiring the expertise of a lawyer. The same applies to the Ontario Provincial Police.

Would recommend para-legal personnel to help with routine legal problems. Would it not be feasible to have someone on the staff of the Ontario Provincial Police or work in conjunction with them to have someone available that has the required knowledge to assist both the officials of a community and the people concerned on more of a full time basis, rather than having periodic visits to an outlying community, of which there are many in Ontario. Also, this would relieve the practising lawyers on Court days. As an example, I was at Court about a month ago and had referred two persons to see the attending lawyers. There were over 150 persons attending Court, this not only put a strain on the Police personnel, lawyers etc., but was not conducive to a very adequate interview for anyone concerned. This is not an isolated case, Court in Red Lake is usually a complete mad-house for everyone concerned, and anyone requiring a ten minute interview either waits for hours, or in my case has to come back to the office and write a letter to a lawyer concerned.

- (4) From the conversations of persons using the Legal Aid Plan, in most cases they appear to feel they have become an inferior person to the lawyers because the service is free. Because (1) the lawyer is too busy (2) does not give adequate time to the individual as would occur if appointments were set up for private practice. Hence, they have the feeling of being a second class citizen because they require legal services and are not always able to pay for them even when working full time.

In conclusion, I think a Legal Aid Plan is a necessity, and a right of every individual to be able to obtain legal advice when required exactly the same as other social services that are available in other professions, and without any stigma being attached to it. Would recommend an expansion of services and greater publicity for the benefit of all persons.

Yours very truly,

Iris C. Trow  
Deputy Secretary-Treasurer  
& Welfare Administratrix  
IMPROVEMENT DISTRICT OF BALMERTOWN

ICT/tih

A PRESENTATION TO THE  
CABINET COMMITTEE ON SOCIAL DEVELOPMENT

Prepared by the Inter-Agency Committee  
at the request of the Red Lake Municipal  
Council

Red Lake  
June 3, 1974.





Social Development Committee

The Honourable Margaret Birch, Provincial Secretary  
for Social Development

The Honourable Rene Brunelle, Minister of Community and  
Social Services

The Honourable Frank Miller, Minister of Health

The Honourable Thomas Wells, Minister of Education

The Honourable James Auld, Minister of Colleges and  
Universities

The Honourable Dennis Trimbrell, Minister without  
portfolio with special responsibility for the Youth  
Secretariat

and

The Honourable Leo Bernier, Minister of Natural Resources



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## HOUSING

Shelter is one of the most pressing problems facing the citizens of Red Lake. By "shelter", we mean the various types of housing required to meet the needs of permanent, short-term, and transient residents of the Red Lake area. Succinctly stated, the problem is one of high demand and low supply.

### Lack of Units

The obvious and predominant difficulty is the lack of adequate shelter at a reasonable cost. The shortage of serviced houses and apartments for sale or rent forces many residents into poor and often condemned accommodation. The result is the creation of a demand for substandard housing. The town then, rather than destroying these buildings, is compelled to condone their existence and thereby facilitate the high rents and price gouging among the present landlords of the dwellings.

### Short Term Needs

Given that Red Lake is also host to a large influx of short term residents, predominantly Indians from the northern reserves and seasonal labour, there is a very real need for single unit dwellings and transient facilities. The initial lack of such

accommodation only increases the already existing pressure on available accommodation. (See Appendix I)

### Unavailability of Land

The almost total lack of serviced town-owned land on which houses can be constructed by either citizens or the town only exaggerates the shortage. Without serviced lots, private investors are unwilling to build and the Ontario Housing Corporation is unwilling to develop. The additional difficulty of the unavailability of Crown land seriously limits viable options for development. The town cannot acquire Crown land (eg. lakefront lots), subdivide it into lots, service it, and sell it, (as legislation presently stands) to residents of Red Lake.

### High Costs

It is worth emphasizing the fact that the cost of all construction materials include the added on freight charges. As gasoline prices are noticeably higher than southern Ontario (75¢ versus 64¢ per gallon), both the distance of shipping and the price of fuel make the cost of all materials excessively high in Red Lake.

Effect - Social and Economic

The resulting situation has serious implications for the Red Lake area as a whole. The pressure on already overburdened facilities necessitates a tacit support for substandard ghettos. Since the majority of those ghetto-dwellers are of native ancestry, the tendency to accept the physical separation of Indians from whites only increases the prejudiced and discriminatory attitudes. The pressing problem of recidivism among the Indians themselves and working poor is exemplified by the high unemployment rates, increase in alcoholism, and poor health. For the average citizen, private homes are becoming a luxury only afforded by a few. The potential for making Red Lake a centre for new and desired industry complete with the related professional fields (eg. schools, hospitals) is seriously hampered without adequate accommodation for future employees and their families. Finally, both for the town and for private citizens, the means to right this situation are for the most part outside their realm of experience, jurisdiction, and financial means.

While the acute shortage of proper housing has been the major cause of social unrest within the community, the Provincial Government has been insisting since 1959 that the matter should be studied further. (See Appendix II)

### Recommendations

1. Available serviced land for private sector or means to service land at a reasonable price.
2. Land available for developers and speculative building.
3. Availability of rent geared to income units.
4. Legislation enabling the town to acquire Crown Land, for subdividing and selling as serviced lots.

None of the above recommendations can be implemented without the initiative and co-operation of the Ministries responsible for establishing the program incentives and the enabling legislation, (eg. Ontario Housing Corporation, Ministry of Housing, Ministry of Natural Resources, and Ministry of the Environment).

### LEGAL SERVICES

The people of the Red Lake District wish to express the following concerns in the area of legal service, most of which have been presented to the Task Force on Legal Aid at their hearing in Kenora earlier this month. However, we feel that bringing them to your attention as well will assist you in your efforts to obtain a realistic impression of "life" in the North.

#### Lack of Availability of Legal Service

Geographical Location: As Red Lake is located at the end of Highway 105 its population of approximately 6000 must travel a minimum of 130 miles to the nearest practising solicitor in Dryden or 170 miles to Kenora. The cost and inconvenience of travelling this distance, as well as the necessary time off work, must be considered before an individual can even consult a lawyer. As a result, many people wait until a solicitor is in Red Lake for the Provincial Court session which generally sits only twice a month.

Volume of Requests: In most instances such visits are



no solution, as many solicitors arrive in Red Lake only hours before court is to begin and their time is very limited. The large number of people waiting to see them creates a scene outside the courtroom which is nothing short of pandemonium. When only the lawyer appointed to act as Duty Counsel appears in Red Lake the problem is magnified. It is virtually impossible for one man to see the number of people waiting. Consequently in the hour prior to court clients are hustled in and out of the Duty Counsel's Office with the speed of an assembly line.

Legal Counsel: The solicitors from Kenora and Dryden who service this area have their own practice in the respective communities. All too often because of an already heavy workload in their own locale, they are reluctant and, at times, refuse to accept the additional caseload which legal aid presents. As a result applicants who have received their Legal Aid certificates must frequently approach several solicitors before they are able to obtain legal services. All too often because the solicitors have had insufficient time to properly prepare a case they will ask for a remand until their next trip to Red Lake. This frequently means a delay of several weeks which is very frustrating to the client and adds to the court backlog, particularly when

repeated remands are requested and granted. Many Legal Aid clients feel they are being brushed off because they are Legal Aid recipients. They do not understand the lawyer's workload.

### Problems With Legal Aid

Lack of Information: It has become quite clear to the staff of the social agencies within the community that the population on the whole is unaware of Legal Aid services. With the exception of those who have fairly frequent contact with the various social agencies, the general public has little or no idea of what Legal Aid is, how it works, or how to apply for it. Of those citizens who have heard of Legal Aid, many are under the impression that it is available only to "welfare recipients". They are unaware of the principle behind the programme and do not realize that many, other than "welfare recipients" are eligible.

Ignorance of the Law: The general public on the whole is ignorant of court proceedings and law enforcement, and lack of basic legal information. On many occasions the accused is not advised to seek legal counsel until he first appears in court and is questioned by the presiding judge. The judge then rarely has any choice but to remand the case for a month in order to give the

individual an opportunity to consult a solicitor, This delay again adds to the court beacklog.

Legal Aid Process: The process of applying for Legal Aid, particularly if the applicant is in the middle to low income bracket with large families and heavy indebtedness, can be a time consuming and frustrating experience. The application itself is taken locally, but can only be completed when verification of financial status has been provided by the applicant. This frequently involves letters and phone calls to banks, finance companies, credit unions, etc. in Winnipeg, Thunder Bay and Kenora, as a substantial proportion of our population is transient and do much of their business outside the district.

### Recommendations

1. Resident Solicitor - A resident solicitor would alleviate many of our present problems relating to court backlog, repeated remands, travel and perhaps most important the lack of enthusiasm for Legal Aid cases on the part of present solicitors. If this is not feasible at this time, then other temporary solutions must be found.

2. Extended Duty Counsel - It seems imperative that duty counsel should be available at least one full day before each session of the Provincial Court if a resident solicitor cannot be found. Such a procedure would greatly eliminate the frustration of the day of court.
3. Legal Service - The establishment of a storefront para legal service even on a once or twice a week basis would greatly relieve some of the court house congestion. In addition many of the everyday questions which are put to social agency personnel would be adequately answered and cleared up.
4. Information - Some more adequate methods of advising the public of the Legal Aid Programme other than that presently being used should be considered. It is quite apparent at least in this area that the average person, if he knows anything at all about Legal Aid, thinks it is some government scheme "to get free lawyers for welfare recipients". Such information should also include where to apply and

listing the necessary steps and documents needed for the completion of Form I.

5. Method of Test - A more simplified method of determining eligibility should be created in order to make the means test less time consuming. Consideration should be given to adopting a formula which would establish eligibility similar to that of welfare and supplementary aid system. Hence eligibility for Legal Aid could be determined in the local community by Community and Social Services personnel. This would eliminate the delays through the mail services.



### MEDICAL/HOSPITAL SERVICES

As has been pointed out on many occasions Red Lake's geographical location is such that residents of the area are continually forced to solve problems and work within situations virtually unknown to, and we feel ignored by, the citizens of the more southerly parts of the province. Government and industry continually talk of the necessity of developing the North. This part of the North is being developed now and with it have come the problems. Now-where is this more obvious than in the general field of medical/hospital services.

#### Optical

There are several considerations in this one problem area. Among them would be the fact that the entire population north of Vermillion Bay is served by one optometrist from Winnipeg on a two day a month basis. As expected, appointment time is rapidly filled. Consequently a person in immediate need must travel to either Dryden or Kenora. Those fortunate enough to obtain an appointment must wait for the optometrist to return to Winnipeg,

fill the perscription and mail the glasses back to the individual.

On occasion bookings are so tight that forty-seven school children have been examined in one working day. It is not difficult to appreciate that these children had only minutes with the examiner and one cannot help but wonder whether all of them were fully examined and properly fitted.

Another consideration for the government under the present arrangement is that all OHIP payments for refractions in this area are going out of the province. When forty-seven children are seen by one man in one day the total over a year's period could be sizable.

This situation is particularly inconvenient and costly for the individual who has been newly hired by one of the local mines but cannot begin work until he has acquired prescription glasses with safety lenses. This could conceivably mean a full month without work if his timing is wrong and he does not have the means to travel to an optometrist in Kenora or Dryden.

#### Medical Specialist Services

In any population and area this size, particularly when climate,

housing and diet are considered, medical services beyond those available from a general practitioner will frequently be required. But unfortunately consultation with a specialist for the majority of the people in the area, particularly if a child is involved, sets off a chain of events that a citizen in Southern Ontario is virtually immune to. Is the pediatrician, obstetrician or surgeon in Winnipeg, 300 miles away, or in Thunder Bay, 385 miles away? Who will escort the patient? Can the mother, recently moved from a Reserve 200 miles north, cope with airports, city traffic, large medical buildings? Perhaps a nurse should go along? Who will pay her fare, her wages, her overnight accommodations?

A legitimate question seems to be, why do those of us who live in the North have to pay these additional expenses in order to obtain the same services that citizens in other parts of the province receive by virtue of their monthly OHIP payments? Since we make the same payments, is it not reasonable for us to expect our hospital insurance to cover some of the costs incurred in obtaining medical service.

We realize that it is impractical for communities our size to have highly qualified medical people permanently resident here but we

do feel it would be feasible for various specialists to serve the area on a visiting basis, perhaps one day a month. If additional treatment requires a patient to travel to a larger centre he at least has the advantage of knowing who he will see and presumably what the specialist intends to do.

In this category we feel particular mention should be made of a physio-therapist. The new hospital has facilities and equipment for physiotherapy. We have many people in the district, who as a result of illness or accident, require this service, but we have no physiotherapist. Consequently, the physiotherapy department in the hospital serves as a storage room, and the people in the area, when they are desperate enough and arrangements can be made, go to "Rehab" hospitals in Winnipeg, Thunder Bay and Toronto.

#### Supportive Medical Services

Medical Information: Many of the people served by the local hospital are native Indians who have had previous admissions at the Zone Hospital in Sioux Lookout and as a result their medical records are there. Obtaining information from these records can be time consuming and costly for hospital and medical staff in both communities as numerous phone calls or letters are

required. The same information problem would apply to the population as a whole in regard to the major hospitals in Winnipeg where most referrals are made.

This situation could be virtually eliminated if the local hospital had telex communication with the Sioux Lookout and Winnipeg hospitals. Essential information, all ready on record, could, with the patients permission, be communicated within minutes to the staff attempting to care for him.

Laboratory Results: A similar telex hook-up with Thunder Bay would provide immediate access to laboratory test results, biopsy reports, X-ray readings, etc. and eliminate the days of waiting for results to come by mail. This may seem insignificant but it takes on great importance for the individual who is waiting to hear whether or not the biopsy indicates major surgery. It also takes on importance when the patient is being held in hospital locally waiting for test results in case further treatment is required or transfer to another institution indicated.

Ambulance Service: The community felt it was fortunate in 1972 when, with the assistance of the provincial government, it finally obtained an ambulance to serve the district. But one



cannot help wonder at regulations which demand that the patient, who presumably is seriously ill, being transferred to another ambulance from the Kenora area at Perrault Falls, 75 miles down the highway. The accident victim with intravenous running, the pregnant woman in labour, the sedated psychiatric patient are all taken from one ambulance and transferred to another on the side of the highway in order to satisfy some obscure regulation dictating where a particular ambulance may or may not operate. Just who this type of operation favours is unclear but it most certainly is not the seriously ill patient of this district, especially in view of our 30°, 40°, and 50° below zero temperature in winter.

### Psychiatric Facilities

A frequent and sometimes dangerous problem arises when people of the area are admitted and discharged from the only psychiatric facility serving the area, the Lakehead Psychiatric Hospital in Thunder Bay. It would appear obvious that the patient being transferred to LPH by the local medical staff has exhibited abnormal behaviour to a serious degree. However, it is a matter of record that several of these patients have been returned to the

community, within days of their admission, with no apparent improvement in their behaviour. The medical group, hospital staff, and the staff of the various social agencies, who generally have frequent contact with these patients, are concerned. It is a potentially dangerous situation but it seems nothing can be done other than repeated admissions to LPH for three, four and five day periods.

It is also a matter of record that on too many occasions patients have been returned to the community with no prior contact with either the referring doctor or hospital.

As a result patients have ended up in jail or in the local hospital having taken an overdose of the prescribed drugs they were given on discharge from the Psychiatric Hospital.

It is generally recognized that patients in hospital, particularly psychiatric patients, frequently exhibit behaviour quite different from that shown in their home environment. We feel that if a social worker from LPH were available to do follow-up home visiting and counselling when patients are discharged the hospital psychologists and psychiatrists would have the benefit of his or her personal observations of the patient in his own environment

and the patient would benefit from the supportive service they frequently need on discharge.

## TRANSPORTATION AND COMMUNICATIONS

### Situation

Located at the extreme northwestern corner of the province approximately one hundred miles north of the Trans Canada Highway, transportation is obviously a problem.

### Rail

None

### Road

#### Highway 105

Daily bus service to Kemora where connections can be made for night buses to Winnipeg and Thunder Bay.

Just about all the goods coming to this town are trucked from Winnipeg with the inevitable surcharge to cost of living. The rising price of gasoline has an even greater effect upon the cost of living in the Red Lake area and can be reflected in the prices charged in local stores.

### Air

Transair and Canadian Voyageur connect this town to Dryden for jet transport east, and there is presently a direct link to Winnipeg through Transair. Present timetables are subject to weather conditions and a fluctuation which is almost weekly. Long waits occur at Dryden. The plans to implement a Norontair service will probably continue some form of connection eastwards through Dryden - but will likely result in the termination of direct Winnipeg link.

### Communications

Telephone, telex, and telegram services in this area could be regarded as adequate although there is room for improvement in broadcasting.

Presently this area receives Manitoban provincial content from Winnipeg in radio and television. It has been noted that the CBC's CBQ station in Thunder Bay will be serving this area in the future as it is presently doing in some northern communities in closer proximity to Thunder Bay. There is room for a second channel of TV to be broadcast to the area.



### JUVENILE DELINQUENCY

There has been in the past a total lack of concern shown by the Government bodies toward the varied needs of the people of the North.

The problems facing Educators and Social Agencies are many and complex, but they cannot deal with them due to restrictions caused by limited resources and the law.

#### Cultural

There is amongst all these agencies concern for young people who do not fit into the present pattern of our society because of cultural difference. These are words bandied about by Government bodies in the South with little real understanding of the effect this has on the people involved. Amongst native peoples for example, parents who had themselves been raised under traditional Indian customs are unable to cope with or understand what is expected of their children in a white society. Many Indian children, therefore, appear to float rudderless in the sea of our society. These parents, not understanding white

society with its demands and routine, are labelled as "non-supportive", "neglectful", "lacking in control" by agencies themselves lacking a thorough understanding of the circumstances.

### Education

Many children raised in Indian homes have to learn English as a second language when starting school. Children coming from reserves may learn English phonetically, but be unable to perceive the language. For instance, a fire engine will mean nothing to a child who has never seen a truck before. On the reserves there appears to be a lack of enforcement of school attendance. The combination of the language barrier together with the fact that a child has missed much schooling, brings about a situation where eleven and twelve year olds may still be struggling through grade one.

### Lack of Funds

The lack of funds affects all the agencies and institutions. Lack of funds means an inability to hire staff, and it is a documented fact that agencies in this area are operating with case-loads of 80-90 people whilst in the South a case-load of 35 is considered heavy.

The inability of hiring staff in institutions means that children who should be educated on a one-to-one basis are being educated in classes of 30-35.

### Lack of Resources

Until February of this year there was no child or adolescent treatment centre nearer than Thunder Bay. A child could go for assessment, and the parents, educator, or social workers could be given some ideas on how to cope with problems, but there was no possibility of consecutive counselling or treatment sessions. Since February we have had a team visit the area on a monthly basis from the Children's Centre at Lakehead Psychiatric Hospital.

When all present efforts of counselling and guidance available for children have failed, as they appear inevitably to do, the child is usually dragged before court and sentenced to Training School. The nearest Training School is situated in Southern Ontario. The children sent to these schools are removed to a society completely different in pace and out-look from that of Northern Ontario. These children are taught how to adapt to

that society. How farcical this situation appears when they have to re-adapt to Northern society when returned to our area, with limited available help from after-care officers situated in Menora.

Many of our children in trouble come from broken homes, or from homes where their parents have divorced themselves from the complexities of their life by resorting to alcohol. There is in this area a very limited number of foster homes available to the after-care service or the Children's Aid Society who are willing to take older children. These children are, therefore, often kept in family situations which are totally unsuitable, without proper control or guidance, or they are returned to situations which have not improved since their removal.

Another area of concern is the lack of Detention Centres for the youth of our area. Children who have broken the law, or who have been declared unmanageable, either are not apprehended until the day of court or have to be placed in crowded, inadequate local jail facilities.

#### The Law

The Child Welfare and Training School Acts are inadequate in that

they often leave 16-18 year olds unaccountable for their actions or without someone to care for them. A judge faced with this fact is understandably reluctant to send a 16 year old to jail. He cannot send the child to training school; thus probation is the only alternative.

An adolescent going through family breakdown after his 16th birthday cannot be helped except through Welfare Assistance. Although many 16 year olds are able to cope with this, many are socially and physically immature and need the added help and guidance of a body such as the Children's Aid Society.

It is with these thoughts in mind that we make the following recommendations:

1. Funding should be made available for agencies and institutions to hire adequate staff to cope with their problems and implement programmes.
2. We need workers and psychiatrists trained to deal with the emotional problems of children resident in the area.
3. We need a Training School located in the Kenora area



that is geared for people of our communities.

4. Funding needs to be made available to after-care and Children's Aid Society so that they may imaginatively solve the problems of caring for adolescents.
5. A Detention Centre should be built in the Kenora area.
6. The Child Welfare Act and Training School Acts should be revised to cover the age-gap encountered by the 16-18 year olds.

### RECIDIVISM

Recidivism is a fancy word for an ugly subject. Recidivism represents the factor of human hopelessness in dealing with problems of life.

A cursory examination of the regular police reports in the local paper shows an extremely high incidence of liquor-related charges; particularly concerning pedestrians who are almost always poor, ill-housed, lacking adequate nutrition, and native.

There is a regular cycle of drinking, arrests, court proceedings, a trip to Kenora jail to serve sentence, return to Red Lake, and a resulting recidivism into the cycle once more. Society makes these people into consistent criminals, and is happy to pay the very cost of servicing the problem, while making no real effort to consider the causes of the problem in the first place.

It is fair to postulate that the housing crisis which exists in Red Lake has a very real bearing upon the rate of recidivism. The Ontario Housing Corporation has recently become involved in this area but has only nibbled at the visible part of this iceberg

of a problem.

A society which can offer people a better life in jail than at home is certainly one which bears examination.

The answer is surely not just an enlargement of social counselling services or welfare payments but rather a real commitment to tearing down the rotting shacks of Red Lake and building a real and integrated community with decent housing and full utilities. Certainly the challenge of Red Lake is: Can the Government of Ontario really countenance the existence of a "Third World" sector within one of its municipalities?

### ECONOMIC OUTLOOK

Established as a mining centre, Red Lake has traditionally relied upon the unpredictable fortunes of the gold industry. Although the industry is booming at the present time, previous depressions may have been responsible for a lack of developed service infrastructure over the years.

In more recent times there has been some diversification in the primary resource field in the mining of iron ore, and the removal of pulp wood. The past year has seen announcements of the area's movement into secondary industry - although still geared to raw material production. Sawmills, and the possibility of the expansion in pulp products, coupled with some developments in the iron and steel industry are moving the Red Lake area onto a more viable economic footing.

More production and more jobs are promised and such conditions could be regarded as a boom time.

There is, however, still a need for an examination of secondary and tertiary industry potential in the area, perhaps tied to the

primary resource base - but which once more will serve to diversify the labour picture in town, and consolidate a greater sense of community.

It is possible for government to assist in economic stimulants which may attract such a diversified industrial base.



APPENDICES

## Appendix I

### HOSTEL

#### Background

The Township of Red Lake due to its geographical location at the end of Highway 105 is fast becoming a service centre to many of the northern communities in Northwestern Ontario. The majority of the airways serving the communities north of Red Lake have their major base within the township, and the natural flow of transportation is through our community.

The community being a frontier town with ample employment opportunities in the mines tends to become a focus for migrating native people leaving the reserves in order to make an attempt at urban life. At present approximately 30% of the population is native, while the transient population in a recent survey reveals about 90% native people.

The North has always been known for its hospitality, but there is a critical social problem when friends upon friends are packed into already over-crowded living conditions due to a shortage of houses.

The Need For A Hostel

As Red Lake is the focal point for people in transit from the north to the south, and vice versa, and because often these people are working on a minimum income, we feel some kind of accommodation is desperately needed for the following categories:

1. Medical Patients - With the establishment of the new Margaret Cochenour Memorial Hospital, more and more people are being referred to Red Lake for medical treatment. These people often require accommodation prior to admission to the hospital or upon discharge. Critical situations have arisen when a mother and newborn have been discharged from the hospital to be sent home, only to find that weather conditions do not permit the aircraft to fly. Consequently they are forced to find a friend who will take them in and provide them with accommodation. Frequently they are unable to find a friend to stay with, so they seek a place to lay down on the floor of some building.
2. Outpatients - From time to time there have been a

number of people who have been discharged from hospital but who are in need of out-patient care, i.e. change of dressing, injections, follow up X-rays, etc. It becomes extremely taxing upon people who have come from the northern communities for medical treatment and follow up service to find accommodation in a hotel. Consequently, they attempt to move in with already over-crowded friends or else fore-go the follow up care and go home.

3. Transients - It is impossible to assess the number of people coming to Red Lake to seek employment who are successful in obtaining a job. As accommodation is virtually non-existent, and hotels are relatively expensive, the great majority of these people soon leave the community. A hostel could provide temporary accommodations until more permanent arrangements could be found.

4. Visitors - People from the northern communities often come to Red Lake for the purpose of visiting friends and relatives who may be in the hospital, as well as to do personal business. Again due to

the critical housing shortage they must find temporary overnight accommodation. Flying conditions may lengthen this stay. A hostel would greatly alleviate the problem.

5. Protected Shelter - Another area of much concern to the social agencies is accommodation for those people who have been discharged from treatment centres in Thunder Bay and Winnipeg, eg. psychiatric hospital and correctional institutes. These people return to live with friends due to lack of adequate alternate accommodations. Their return to these conditions perpetuates the cycle that originally placed them in these centres. There is a need for some form of hostel accommodation until permanent housing becomes available.
6. Climatic Conditions - Weather problem becomes particularly acute over periods of freeze-up and break-up when no transportation at all is available to most of these communities. People travelling north from Red Lake and patients discharged from hospital are faced with the problem of finding



accommodation until conditions become favourable for flying.

Faced with a serious accommodation crisis the community has formed a steering committee, which has implemented a research project to look at the problem and possible solutions.

Appendix II

HOUSING STUDIES TO DATE

The following list is a clear illustration of the extent of words already written on the subject of housing. If a much effort could have been put into action, Red Lake would have been able to solve its housing crisis long ago.

1. Report of 1959.
2. Resolution of Town of Red Lake, November 7, 1967
3. Ontario Housing Corporation Report, April 1969
4. Citizen's Committee Brief, 1969
5. Citizen's Committee Brief, May 1970, Emergency  
Gold Mining Act
6. Ontario Housing Corporation Report, October 1970
7. Ontario Housing Corporation Visitation, January 1971
8. Second Survey by Ontario Housing Corporation,  
March 1971
9. Winter Works Project - Red Lake Indian Friendship  
Centre, 1972
10. Referral to Consultants, November 1973
11. Representations to Ontario Housing Corporation,  
January and February 1974



A permanent Optometric Clinic is being established to serve the visual needs of the residents of the Red Lake District and surrounding communities. Optometry is the measurement of the powers of vision, and the fitting of glasses to correct visual defects. This much needed service is the direct result of efforts initiated by the Inter-Agency Co-ordinating Committee (IACC), this group is composed of the Social Workers of the Community Services Groups in the district. Also, co-operating in this venture were the members of the Board of Governors of the Red Lake Margaret Cochenour Memorial Hospital, the Ontario Ministry of Health and the University of Waterloo School of Optometry. To assist further in this work the Township of Red Lake and the Improvement District of Balmertown have each contributed \$1,500.00, and for the Unorganized Territories, the Ministry of Community and Social Services have also contributed \$1,500.00.

The Board of Governors of the Red Lake Margaret Cochenour Memorial Hospital have allocated space in the Hospital for this Optometric Clinic. The Clinic is under the direction of Dr. J.S. Smibert, O.D., of the University of Waterloo. The emphasis at first will be on the children of the community, although appointments can be made for the general public. Good vision is important for a child in school. Without it he is at a disadvantage compared to his classmates who do see well. Often these children fall behind in class and "give up" due to a problem that is no fault of their own says Dr. Smibert.

Dr. Smibert advises that if at all possible a parent should accompany the child to the Clinic. Certain conditions such as amblyopia, or lazy-eye, require a parent being instructed in methods of helping the child. "Amblyopia tends to develop over a period of years. It is very important that a parent know how to be involved since it is likely to require much time, persistence and effort by the child to improve his vision. The parent must see that instructions are carried out properly in order to be successful."

Dr. Smibert, will provide complete visual examinations which include testing to determine the health of the eyes. One such test is "Tonometry", which is routinely performed on patients over the age of thirty-five years. Tonometry is a test for Glaucoma, a disease that is a common cause of vision loss in older people. Tests to determine eyeglass prescriptions will be made as well as testing to

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determine if the muscles controlling eye movements are working properly, these are all part of the complete examination.

If the Optometrists tests indicate eye glasses are necessary, they can be obtained through the Clinic and will be fitted upon delivery. Instructions on eye muscle exercises for those with muscle problems will be provided as well.

Contact lens fitting is expected to be provided sometime during the months of December or January.

All examinations for Optometric Services are covered under your Ontario Hospitalization Number. For those wishing an appointment a telephone number for the Clinic will be made available after the 11th of September.



## HARMONY CENTRE

Cochenour, Ontario

March, 1975

### PROGRAM COMPONENTS

For the general information of the public and of the Government Department's concerned. The following is a description of the goals and methods of the Sheltered Workshop being established in and serving the Red Lake Area/

This facility, "HARMONY CENTRE" is presently located in Cochenour, in the United Church Hall. It will however, eventually have to be re-located to a more central location when larger quarters can be secured. This should prove more convenient to both the clients and public throughout the area.

Some years ago, through the dedicated efforts of Mrs. Nellie Lemon and the Red Lake District Association for the Mentally Retarded, a facility known as ARC Industries, was established and operated from the premises of Mrs. Lemon's residence at Cochenour. Last June, this operation expanded and included handicapped people of the area. With this expansion, larger quarters were required, and arrangements were made with the United Church Board to rent the basement Hall of the Church in Cochenour. Thus came into being a Sheltered Workshop for both physically and mentally handicapped persons, the name chosen for this Workshop was Harmony House-ARC Industries.

As further growth of both clientel and program was anticipated to serve the needs of the community, early in January Mrs. Lemon approached the Inter-Agency Co-Ordinating Committee, and requested that they appoint a Board of Directors to assume the leadership to operate this Workshop.

Hence, on January 23rd, 1975, the newly appointed Board of Directors met, along with a number of interested persons on the premises of Harmony House-ARC Industries. To provide a cohesive liason between the Association of the Mentally Retarded and the Sheltered Workshop a number of the newly appointed Board would serve in a dual capacity on both Boards. The appointed Board of Directors were, Mrs. Kathy Wilson, Mrs. Pat Bowerman, Mr. Frank Baron, Mrs. Judy Mostow, Mr. Robert Morton, Mrs. Alice Tapper, Mrs. Audrey Blazek, Mrs. Iris C. Trow, Dr. A. Miller-Williams, Mr. Robert Conner, Mr. Nils Dahl, Mrs. Winnie McDougall, Mr. Solly Kakegamic, Miss Betsy Beardy and Mrs. Joyce Appel from Ear Falls. Also present at this meeting was Miss Helen Szewello, Counsellor for Vocational Rehabilitation Services of the Ministry of Community and Social Services, Dryden, Mrs. Nellie Lemon, Mrs. Carole Lapointe, Mr. Phil Mostow, Northern Affairs Officer, and from Ear Falls, Rev. D. Horner, Mrs. Doreen Thom and Mrs. Wanda Mulheisen.

For reasons connected with the Incorporation of this new Board, the name was required to be changed from Harmony House-ARC Industries to HARMONY CENTRE. The purpose of this Sheltered Workshop is primarily to cater to the needs of all handicapped people, whatever the nature of that handicap, whether it be mental, physical, social or any other handicap which prevents full integration into what is known as a normal society.

With full knowledge that a facility of this type cannot be fully self-supporting, it was realized that financial assistance would be a major consideration in an undertaking of this nature. Therefore, in order to meet

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with the standards set by the Ministry of Community and Social Services, Vocational Rehabilitation Services Acts and Regulations, before any funding would be considered, HARMONY CENTRE is endeavouring to fulfil certain requirements. The basic philosophy is that such a Centre must be work orientated, with the stated object of preparing these handicapped people to resume or start compensable work.

At HARMONY CENTRE, we are attempting to initiate a number of programs which will meet these conditions. To a large extent these programs are centered around providing salable services to the community. Also provided is an academic education program by a qualified teacher, Mrs. George Bremner, who visits the Centre to teach all who might benefit.

Programs under way at the present include: carpentry, ceramics, weaving, cooking, domestic skills, sewing, gardening and many others. All of these are made to intermesh to as great a degree as is possible. Each program therefore interacts with and performs services for other programs. In all of these appropriate skills are contributed by all classes of handicapped persons present.

In summary, the overall intention being to provide an environment where each person can develop his or her capabilities to the function which gives that individual a sense of worth.

HARMONY CENTRE

MENTAL RETARDATION

There are an estimated 600,000 mentally retarded in Canada, 3% of the population, but this can often be misleading to the layman, as it leaves the impression that the majority of our children are severely handicapped.

In defining mental retardation, a great deal depends upon what is normal for a society. A person living in a society which places little emphasis on intellectual achievement, or on sophisticated social skills, might be able to function effectively with a lower intellectual capability. However, it is apparent in our society that many demands are placed on people's intellectual skills, and if they do not measure up they are considered abnormal, and often placed outside the mainstream of community life.

One of the best definitions of mental retardation is by the President's Panel in the United States of America. (A pamphlet) of 'Voluntary Services for the Mentally Retarded' by Deanna Pankiaty. The mentally retarded are children and adults who, as a result of inadequately developed intelligence, are significantly impaired in their ability to learn and adapt to the demands of society. (1)

There are many misconceptions about retardation, one of them being that it is a condition rather than a disease, and mentally retarded often do become mentally ill, when they are subjected to the kinds of pressure, rejection and emotional deprivation which creates problems.



## 2.

This happens unfortunately, too frequently when they are rejected by their families and society, and are often isolated from community life.

In diagnosing mental retardation the Intelligence Quotient Test is used in categorizing the retarded, although at times they can be misleading. (1) Since intelligence tests are expressed in terms of numerical findings, their apparent definitions are apt to be misleading. An adult who is ten years old mentally, but forty years old chronologically, is different from the child of ten. He may not be able to do any more with his intellect than a ten year old child, but he has had thirty more years experience in living, and his emotional experiences, conditioning and maturity may be different. (2) Rather than relying on this type of testing we should look at the individual as a whole and assess his ability according to the demands of society, thus he may be categorized as follows; Mild - development is slower, but they are capable of learning skills and can work in competitive work and live independent lives.

Moderate - these people are slow in development but are capable of caring for themselves and performing a variety of tasks. They can work and live in a sheltered environment without too much pressure.

### 3.

**Severe** - they are very handicapped in motor development, speech and language. However, they are not always completely dependent.

**Profound** - this person requires constant care. He is usually severely impaired in physical and sensory development.

Labelling people, although efficient in the clinical sense, is often unwise. When the layman labels a person as mentally retarded, the stereotype is a dumb, stumbling, poorly dressed incompetent, and we expect the retarded to behave according to our image, and by the strange quirks of human nature, he does. It is a vicious circle. Also pity can be soul destroying as it develops into inferiority. Everyone has a handicap, either in looks or some form of a complex. Circumstances are changing for the better, but we still have a long way to go.

Less than a century ago, people thought the condition resulted from the action of the devil or was some form of punishment. Often people bled these poor souls to remove the devil, destroyed them or treated them as public fools. There is still a hangover from the early fear. Many parents today feel they are being punished, and feel terribly guilty about the child and responsible in some way for his conditions. The late President John F. Kennedy and John Vanier did much to enlighten the world and open many doors toward the betterment of those afflicted with mental retardation.



It has been estimated that 75% to 80% of the causes are unknown.

The known causes are:

- (3) (a) Genetic disturbances - exposure to radiation, damaging the genes of either parent. Down's Syndrome is caused by extra chromosomes or the translocation of genes, damage caused by the use of L.S.D. and amphetamines.
- (b) Infections during pregnancy or Infant After Birth, German Measles contracted within three months of Pregnancy, Infectious diseases during pregnancy, e.g. Meningitis.
- (c) Toxic agents during pregnancy or acquired by the child after birth, jaundice due to RH blood factor incompatibility and carbon monoxide, lead poisoning, also many commonly used drugs.
- (d) Trauma - due to difficult labour, asphyxiation<sup>and</sup> to delay in breathing.
- (e) Disorders of Metabolism, Growth or Nutrition. Some are determined by heredity. The PKU which was made compulsory in 1966, proves if there is an abnormality of amino acids in the body. This test is done 48 hours after the baby's first feed or before discharge from hospital.
- (f) Environmental factors, recently recognized, has pointed to educational deprivation and social culture and economic factors, e.g. malnutrition is a cause, plus poor nutrition of pre-natal mother can be a factor.

Down's Syndrome is diagnosed early as this is a visible and not necessarily, severe form. Other symptoms of this mental handicap will be discovered only as the child grows. Many at the educable level are not properly confirmed until the begin school and fail to keep up with other children.

Various preventative steps can be taken:

- 1) Health care before and during pregnancy, and availability of tests to determine possible damages. (a) genetic counseling (b) gauthrie tests (c) blood tests (d) a new test by Dr. J. B. Bowman, Manitoba Clinic, proved by inserting a needle into the mother's abdomen, drawing up amniotic fluid and detecting any abnormalities in the chromosomes which indicate faulty development in the babe's body, brain or both.
- (2) Awareness of safety procedures.
- (3) Promotion of a more effective educational system, especially in culturally deprived areas of our communities. Some people are more likely to produce retarded children than others - mothers under eighteen or over forty years of age, metabolic disorders such as Diabetes and parents with inherited metabolic disorders - PKU.
  - parents with RH factor incompatibility
  - mothers who have previously miscarried, premature babies, or histories of toxemia

Some critical moral issues on prevention in high risk parents are controversial issues, i.e. sterilization, abortion and birth control.

Mercy killing seems to be brought into the open these days. People believe it is an inhumane way to deal with the profoundly retarded. These solutions, cannot be forced upon any human being and must be related to the individual's conscience and guided by the religious and social factors, which determine an individual's personal philosophy. This cannot be decided easily either by the individual or the community, but they also cannot be ignored.

The world of the retarded can expand if they are not segregated. As they grow they face the same problems, physical and emotional as an average child, and should be treated with as much understanding and involvement with others as normal children. He will need sex education to fit his level of understanding.

- (4) Schools should accept appropriate responsibility for re-enforcing the effects of parents to transmit knowledge about values inherent in our family system, about psychic, moral and physical processes and consequences of sexual behavior. The retarded are often in greater need of such parental contact and qualified instruction, yet they need more help in controlling their sexual impulses because they have less opportunity to express themselves in other areas.

In time the educable retarded could even sustain a satisfying marriage, if counseling is available to them.

7.

Not all mental retardation is hereditary, but whether children should be born to such a marriage, again, a very complicated question, resting in public hands.

Recent research is indicating the importance of physical fitness and motor capability. Until recently schools had very few facilities, and a lack of teachers for special training. We now, can obtain material for a physical education programme, from the 1967 Olympiad for the mentally retarded, which was possible through a grant to the Canadian Association for Mentally Retarded from the Centennial Commission. Also there was a second Olympiad held in Toronto in 1971 at the Canadian National Exhibition.

The recent emergence of strong parent-led organizations, has meant many new developments, particularly in the provision of services to the mentally retarded, e.g. ARC Industries. However, such organizations still tend to be related to specific disease entities. The parents of the cerebral palsy do not always empathize with the parents of the retarded. The importance of the parent's organizations, is that the pattern of services is not as likely to be dominated by a professional group, but are more likely to answer the needs of the client rather than the needs of the professional.

It is apparent that the whole life span of the retarded must be considered and not just one particular phase.



For instance, residential schools would be of little use without services afterwards, such as vocational training, counseling, recreational programmes and provision of residential accomodation.

Father Rice from the Lakehead Psychiatric Hospital opened a residence for twelve adults to live in and to be trained for future, routine, non-pressure vocations.

In our community we have Brite-Vu School opened within the past five years with approximately six children aged six to eighteen years. ARC Industries coordinated by Mrs. Nellie Lemon trained and upgraded their <sup>PATIENCE</sup> patients of five adults in crafts but we need many more open facilities. By means of an L.I.P. grant which will enable a Coordinator to be employed to complete a computerized profile on each mentally and physically handicapped person in the Red Lake District. The use of this data will enable Community and Social Services to have a clearer concept of what rehabilitative services are required in our district, and effective April 1974 all mentally and physically handicapped will be under this governing body.

&6)

Not all mental retardation can be prevented, but enlightenment through public education can be a step forward. The public should be taught that mental retardation is a symptom producing a handicap and is not a curse or a visitation--that these people have feelings of love, hate, anger, compassion, and a sense of belonging like all of us, and that, as citizens they have inalienable rights which includes the the best medicine and education we have to offer, and the right to the pursuit of happiness.



They have a right, inasmuch as possible, to a productive existence and humane treatment.

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RED LAKE  
COMMUNITY RESIDENCE

1975



## RED LAKE COMMUNITY RESIDENCE

Red Lake is a community of 2300 people located in the gold mining area of Northwestern Ontario, about 110 air miles north of Kenora. As the service centre of the immediate area, Red Lake has become the central distribution point for all services to the surrounding mining communities. Also as Red Lake is situated at the northern most point of Highway 105, with the exclusion of the Resource Road, it is the distribution centre for fly - in communities north of the town, most of which are Indian communities. In total then, the population served by Red Lake is 7-10,000 people.

In terms of actual services provided, the following, although not an exhaustive list, would represent the more important ones: hospital, police station and jail, Children's Aid Society, Public Health Unit, High School, Red Lake Indian Friendship Centre, Churches, Provincial Welfare Office, Department of Indian Affairs, Provincial Indian Community Secretariat, Alcohol Counsellors.

It is important to note, however, that the following types of services are not available: legal services, medical specialists of all kinds, group home, hostel\*, detoxication centre, chartered accountant. For purposes of receiving any of the above one must travel a minimum of 135 miles (by road) to Dryden or 160 to Kenora or more often, the 300 miles to Winnipeg or 370 to Thunder Bay. The costs incurred by such travel are almost always paid by the individual. Finally, although not exactly a service in the same sense as the ones above, housing must be mentioned as a particularly acute need in the area. The lack of adequate and reasonably priced housing has perpetuated the existence of slum dwellings and condemned shacks which would rival the worst in the country.

\* A Hostel is presently being planned



Red Lake has a highly diversified population, as most mining areas do. In addition to the established Canadian families of many generations, there is a visible group of New Canadians from all areas of Europe. Their retention of cultural heritage remains prevalent even in third generations. However, most noticeable, even to visitors, is the existence of the Native fact in Red Lake. The Indians, who represent almost one half of the population of Red Lake proper are a highly visible group and noticeably separated from the white population in almost all social intercourse. While it is not pleasant to admit that racism exists, there is an unspoken racial tension between the whites and Indians which pervades normal relationships. Again, although generalizing, it should be noted that of the statistics on unemployment, housing needs, alcoholism, minor offenses, drop out rates, etc. the Indians represent an extraordinarily high percentage relative to their percentage of the total population. While this Brief is not meant to be an analysis of the "Indian in Red Lake" it is important to understand that this Indian fact compounds the existence and nature of social problems normally experienced by a town of this size and hence compounds the solutions.

In turning now to the particular needs of the Juveniles in this area, it is again important to comprehend the situation in its entirety. First of all, the area does have an average rate of delinquency among its non-Indian youth common to any community of comparable size with such a noticeable lack of recreational facilities. However, it is the added problems experienced by the Indian youth which makes the situation so desperate and so compelling.

A few examples should illustrate the type and severity of the dilemma which presently face both the youth and the agencies dealing with them. Many children raised in Indian homes must learn English as a second language when starting school. On the reserves, from which a large proportion come, there appears to be a lack of enforcement of school attendance. The combination of the language barrier together with the fact that the child has missed much schooling causes a situation where eleven and twelve year olds may still be struggling through grade one. Obviously this unnatural separation from a child's peer group leads to resentful and often violent or withdrawn behaviour. Also magnifying this type of educational dilemma is often the lack of a healthy and supportive family structure. Amongst native people for example, parents who have themselves been raised with traditional Indian customs are unable to cope with or understand what is expected of their youth in a white society. As a result they are often labelled "neglectful", "irresponsible", "lacking in control". This so-called "cultural" difference is a term often applied to Indian delinquency but little understood by those using it.

In addition to these specific problems, other factors mitigate heavily against any immediate solutions. Overcrowded living quarters, inadequate nutrition and a high proportion of alcoholic parents place undue responsibilities on children at very young ages. This general state of recidivism among a large number of native people has the net result of placing Red Lake at the top of the statistics for child apprehensions in Canada.

The following statistics demonstrate irrefutably the deplorable and disproportionately high rate of apprehensions in Red Lake during 1973 and part of 1974 as documented by the Children's Aid Society of Kenora.

That is a child can only be apprehended within five days preceding a court hearing. Such a requirement places the agencies in the impossible position of either ignoring all cases for 25 days every month or apprehending children illegally.

When children are sent away to training school, it is indeed a traumatic experience as the closest one is in southern Ontario. Thus the farcical situation exists where a child already exhibiting serious behavioural problems is sent over 1000 miles away to a somewhat foreign environment and is expected to make the personal adjustments necessary to become a responsible adult. After his release he is then sent back to the area where inevitably he experiences another adjustment. With the limited after care services available, Kenora being the closest, the chance of his making these kinds of changes is very remote.

Also there is a limited number of foster homes available to the After Care Agencies or the Children's Aid Society which are willing to take older children. These children are therefore often kept in family situations which are totally unsuitable, without proper guidance or control, or they are returned from training school to situations which have not improved since their initial removal. Finally, there are no group homes in the area with the exception of a privately operated and religiously based home for younger children in Red Lake. The latter, however, does not take teenagers unless a crisis exists.

Finally, while there is an appreciation of the fact that some children do need to be removed from the immediate environment causing their personal problems, the distance does not necessarily have to be 1000 or so miles away. Therefore, recognizing that the Kenora Group Home is a reasonable distance from Red Lake and is at the same time in a similar environment, it is anticipated that there will be referrals to Kenora and vice versa. However, the existence of this other home does not preclude the need in Red Lake as the statistics so conclusively prove. In fact, in Red Lake alone it is not one but several facilities which are needed to meet this continuing and growing demand.

In summary then, the child who needs an alternative to his home, whether the cause be delinquency or parental neglect, has virtually one option - training school, which of course necessitates an offense beforehand. There can be no doubt that any change in the rate of apprehensions will only occur when constructive alternatives exist within the Red Lake area itself.



Having analyzed the above problem and its destructive effect on human life the IACC of Red Lake, a committee representing the various Social agencies and other concerned individuals of the area, has decided upon a course of action which will at least arrest this senseless transfer of children from the community and hopefully provide the kind of alternative needed. That course of action is the establishment of community residence in Red Lake. While the committee does not expect that community residences will be an instant panacea, there is considerable evidence to prove that such a facility will not only be a community resource but also a preferable living environment to large institutions.

To this end a sub-committee has been set up to implement this project. The first step was to apply for incorporation as a non-profit organization. This has been done and final approval should be forthcoming within the near future. Next in determining the sources of income for the community residence it has been ascertained through discussions that the following agencies would make use of such a facility and pay a per diem rate:

Children's Aid Society  
Ministry of Correctional Services  
Private referrals

While the Ministry of Community & Social Services does have a variety of funding programmes applicable to group homes, the Childrens Services Bureau claims to have no available funds. Therefore, the committee has decided to apply to the CMHC for a mortgage to finance the construction of this residence. It is also the intention of this committee to ensure that all regulations under the Children's Institutions Act are incorporated in this building in the event that funds are made available through the provincial government.



As its operating philosophy the committee views a community residence as fundamentally a replacement of a child's natural home. Thus the approach will encompass as much as possible those attitudes, responsibilities, discipline and activities which are a function of any healthy and constructive family unit. With the obvious exception of professional help in the form of counselling, guidance and assessment, the community residence will attempt to incorporate into its general operation those extra curricular activities and responsibilities which will allow the child to develop as an individual and as a responsible citizen. In order to maintain this living environment a maximum of 10 children, between the ages of 12 - 18, will be provided for in one home with the expectation that there will be an average occupancy rate of seven.

In determining the staff needs the committee plans to hire two full time staff of whom at least one will live in the residence plus one part time staff who will provide the time off for the two regular personnel. In the community itself there are also others who will be of continual assistance to the permanent residence staff - social workers, guidance counsellors, parents, and the so often forgotten youth of the area.

A budget has been included to provide a breakdown of the anticipated costs and sources of income.

In conclusion then, it is the decision of the Committee based on the overwhelming proof of a long neglected need that the first community residence be established as soon as possible. Upon its completion and operation another assessment will be carried out in order to determine whether or not a second residence is necessary. The committee expects that the conclusion will be in the affirmative. However, for the immediate future, the objective is the establishment and successful operation of one residence.

RED LAKE COMMUNITY RESIDENCE

BUDGET

I - OPERATIONAL	\$66,240.00
II - CAPITAL	\$21,300.00
	<hr/>
	\$87,540.00

RED LAKE COMMUNITY RESIDENCE

BUDGET

- OPERATIONAL

Staff - Director	\$13,000.00	
- Assistant Director	9,000.00	
- Part time	6,000.00	
- Benefits @8%	2,240.00	
- Travel	1,500.00	
		<u>\$31,740.00</u>

General Administration

- Mortgage payments (@ 8% on a 50 year mortgage of \$75,000.00)	\$ 7,500.00	
- Utilities	3,000.00	
- Telephone @50.00 per month	600.00	
- Office Supplies	300.00	
- Insurance	500.00	
		<u>\$11,900.00</u>

Home Operation

- Maintenance Staff		
Cleaning Lady @1200.00		
Handy Man @1000.00	\$ 2,200.00	
- Drying Cleaning	500.00	
- Food	12,000.00	
- Clothing	1,200.00	
- Health Care	1,000.00	
- Recreation - Special School Needs	3,500.00	
- Allowances	2,200.00	
		<u>\$22,600.00</u>

<u>TOTAL</u>	<u>\$66,240.00</u>
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RED LAKE COMMUNITY RESIDENCE

BUDGET

1 - OPERATIONAL

<u>Staff</u> - Director	\$13,000.00
- Assistant Director	9,000.00
- Part time	6,000.00
- Benefits @8%	2,240.00
- Travel	1,500.00
	<hr/>
	\$31,740.00

General Administration

- Mortgage payments (@ 8% on a 50 year mortgage of \$75,000.00)	\$ 7,500.00
- Utilities	3,000.00
- Telephone @50.00 per month	600.00
- Office Supplies	300.00
- Insurance	500.00
	<hr/>
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Home Operation

- Maintenance Staff	
Cleaning Lady @1200.00	
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- Clothing	1,200.00
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- Recreation - Special School Needs	3,500.00
- Allowances	2,200.00
	<hr/>
	\$22,600.00

<u>TOTAL</u>	<u>\$66,240.00</u>
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BUDGET - CONTINUED

CAPITAL

Furniture	\$10,000.00
Bedding, Linen etc.	5,000.00
Kitchen Appliances and dishes	5,000.00
Typewriter	300.00
Tools	<u>1,000.00</u>
	\$21,300.00
<u>TOTAL</u>	<u>\$21,300.00</u>



RED LAKE COMMUNITY RESIDENCE

Establishment of Per Diem Rate

- Cost of annual operation	\$66,240.00
- Cost per day	181.48
- Per diem rate based on an average occupancy of 7	25.92

RED LAKE RECEPTION LODGE

1975

Objectives

To build a year-round multi-purpose hostel:

- a) to provide temporary accommodation to any person(s) while they are being treated as medical out-patients including the time during freeze-up and break-up when air travel to the remote northern areas is impossible;
- b) to provide short-term accommodation for persons while they are locating further decent accommodation or visiting the area;
- c) to cooperate in any way possible with other workers, churches, or agencies in helping to accommodate persons;
- d) to operate the hostel on a no gain, tangible or intangible and no profit basis to the board members.

## BACKGROUND

The Red Lake District is comprised of five communities; Red Lake, Balmertown, Cochenour, McKenzie Island and Madsen - Starratt, with an approximate population of 7,000. Red Lake is the centre of the District having a population of approximately 2,500. About 30% of the population is Native, while the transient population is 90% Native.

Red Lake is not only a service centre for the above mentioned communities, but also services approximately 3,000 Northerners in the isolated reserves which are accessible only by air. Thus, Red Lake is a frontier town and tends to become a focus for migrating Native people leaving the reserves for urban life.

The major employers in the area are three gold mines and one iron ore mine. The government has announced a sawmill and pulp mill development to be completed by 1976. This will employ about 600 people.

The Township of Red Lake has a critical housing shortage due to the lack of serviced land, lack of private builders willing to come into the area and high construction costs because of rock and/or muskeg land structure.

Housing is available in the three surrounding mining towns

only to those employed by the mines. Red Lake is the only town that is open to development for anyone, however, poor municipal management has severely hindered any such development.

There is a complete lack of foresight and long term planning. Many of the houses were thrown up on a quasi-temporary basis during the mining boom of the 1946 - 1949 period. At this time, people bought scraps of land and erected houses with no overall plan in mind. Today, the town looks like the campsite it originally was - a few homes have been built and the shacks have had additions built on to meet the needs of growing families, but the chaos remains.

Due to the fact that the land consists of outcrops of bedrock and uneven terrain, the laying of water and sewer lines poses a very real problem as these lines must be located at a depth of twelve (12) feet in order to stay below the six foot frost line. This results in an extremely high cost of servicing land in the community and thus limits it severely.

As Red Lake is one of the transportation and service centres between the northern isolated reserves that are accessible only by air and the southern communities, the accommodation situation becomes even more acute.

Accommodation facilities are desperately needed for the

transient population. Basically, this portion of the population falls into the following categories:

1. Medical Patients

People coming from the North require accommodation in Red Lake prior to medical treatment and following same, especially when weather conditions restrict transportation.

2. Outpatients

A number of people are discharged from hospital but must stay in town for continuing treatment, i.e. change of dressings, injections, follow-up x-rays, etc.

3. Transients

Persons coming to Red Lake seeking employment are usually successful, however as accommodation is virtually non-existent and as hotels are relatively expensive, the great majority of these people soon leave. A hostel could provide temporary accommodation until more permanent arrangements were found.

4. Persons awaiting entrance to various institutions such as C.N.I.B. homes, senior citizens homes, etc. often need accommodation while waiting for admittance.

5. Visitors

People from the North often come into Red Lake for the purpose of visiting friends and relatives. Again, due to the critical housing shortage, this causes problems with overcrowding and poor living conditions verging on a public health problem in unserviced and underserviced houses.

6. People discharged from treatment centres in Thunder Bay (alcohol,



corrections, psychiatric) return to live with their friends due to the lack of adequate alternative accommodation. This usually perpetuates the cycle that originally placed them in these centres. Hostel facilities might provide a temporary solution for these people until employment and permanent housing arrangements become available.

7. General weather conditions, freeze-up and break-up all contribute to the critical housing problem.

Figures obtained in a four month feasibility study show that 1,623 people were in need of overnight accommodation during 1973. The statistics indicate the desperation of the situation.

#### PROGRESS

On May 27, 1974 a four month feasibility study was begun to deal with the following areas:

1. To explore in depth the various kinds of accommodation problems that exist in Red Lake for transient people.
2. To define possible alternate solutions to these problems.
3. To explore mechanisms whereby the job seeking transient population could become more permanent re: housing availability.
4. To research and evaluate other alternative transient accommodation

projects in other communities in Northwestern Ontario.

5. To develop, in conjunction with the hostel committee, a plan of action.

This feasibility study was conducted by a Company of Young Canadians volunteer on behalf of a number of people in Red Lake who, because of the dire need for transient accommodation in the community, formed an ad hoc hostel committee to try to meet this need.

On June 26 and June 27, 1974, the researcher visited the Sioux Lookout Zone Hospital Hostel to look into management, structure, services, problem areas, etc.

On June 29 to July 2, 1974, the researcher visited Winnipeg to look into the operation of the:

- a) YMCA and YWCA Hostels
- b) the Canadian Youth Hostel Association
- c) the United Church Indian and Metis Reception Lodge

On July 3, 1974 the Kenora Fellowship Hostel was visited and studied.

On July 4, 1974, a detailed study of the hostel facilities as well as statistical data of local accommodation requirements was discussed by the committee. A decision was made to pursue a multi-purpose hostel for the Red Lake area.

On July 18, 1974, the committee approached the Council of the Township of Red Lake for approval to establish a hostel. The Council has given approval for this facility. However, due to financial limitations they could not be financially responsible for any of the capital costs..

On September 9, 1974, an application for incorporating the Red Lake Reception Lodge was submitted to the Ministry of Consumer and Commercial Relations, Toronto, Ontario; and on October 31, 1974 the letters patent for the Red Lake Reception Lodge were issued.

On September 17, 1974, the Red Lake Reception Lodge Board applied to the Company of Young Canadians for a community worker to continue in organizing the project.

On October 8, 1974, the contract for the community worker was renewed for one year.

On October 24, 1974, the Board decided to purchase a vacant lot and erect a hostel facility to accommodate twenty-five (25) persons. However, with the difficulty of obtaining large amounts of funding for a new building, the Board decided to try to purchase an already existing building which could be bought and renovated at a moderate price.

On January 27, 1975 the Department of National Revenue endorsed

the registration of the Red Lake Reception Lodge as a "Registered Canadian Charitable Organization".

In January, Gulf Oil of Canada wrote that a \$500.00 grant had been approved for the Red Lake Reception Lodge.

On March 14, 1975 the Board met with three United Church Ministers from Thunder Bay to discuss the hostel situation and to ask for financial support from the United Church of Canada in realizing the plans.

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SUBMISSION TO  
THE ROYAL COMMISSION ON  
THE NORTHERN ENVIRONMENT

BY

CAMPBELL RED LAKE MINES  
LIMITED

PRESENTED AT

RED LAKE  
ON

NOVEMBER 15, 1977



Ontario

ROYAL COMMISSION ON THE NORTHERN ENVIRONMENT  
THE HON. MR. JUSTICE  
E. P. HARTT  
COMMISSIONER





SUBMISSION TO  
  
THE ROYAL COMMISSION ON  
THE NORTHERN ENVIRONMENT

BY

CAMPBELL RED LAKE MINES LIMITED  
Suite 600, 365 Bay Street  
Toronto, Ontario

PRESENTED AT

RED LAKE, ONTARIO

ON  
November 15, 1977

ROYAL COMMISSION  
ON THE NORTHERN  
ENVIRONMENT  
416/965-9286

MANULIFE CENTRE  
55 BLOOR STREET WEST  
ROOM 801  
TORONTO, ONTARIO  
M4W 1A5



# CAMPBELL RED LAKE MINES LIMITED

SUITE 600 - 365 BAY STREET

TORONTO, ONTARIO

M5H 2V4

PHONE

6) 364-3453

No. 63

Royal Commission on the  
Northern Environment

This exhibit is produced by

*Campbell Red Lake Mines*  
this 15 day of Nov 1977  
*Sgt. J. J. J.*

PRELIMINARY SUBMISSION

to

THE ROYAL COMMISSION ON THE NORTHERN ENVIRONMENT

RED LAKE, ONTARIO

NOVEMBER 15, 1977

Presented by S. M. Reid,  
Manager.





# CAMPBELL RED LAKE MINES LIMITED

SUITE 600 - 365 BAY STREET

TORONTO, ONTARIO

MSH 2V4

PHONE

6) 364-3453

## Introduction

We are pleased to have the opportunity to present a preliminary summary and background on conditions and problem areas that apply to our operation in the Red Lake Mining Division.

As well we welcome this opportunity to outline some of the issues that we feel the Commission should address during its inquiry. We note with approval that the mandate of the Commission -- for the first time, anywhere, to our knowledge -- defines the area north of the 50th parallel as one with its own set of special circumstances and problems.

While we have attempted to distinguish some of these economic and social problems and describe them in brief, we should like to emphasize that they are all inter-related matters -- no one concern exists in isolation; all have substantial bearing on the present operation of the industry and its prospect for the future, and on the people of this area of the North.

## Company History

George and Colin Campbell staked 12 claims on the south shore of Balmer Lake, in January, 1944, which later became the nucleus of one of the most viable gold mines in North America.



Campbell Red Lake Mines Limited, was incorporated by letters patent on July 18, 1944, a four-compartment shaft started in June, 1946, and the first ore sent to the mill in June of 1949. To December 31, 1976, over 6.85 million tons of ore have been processed with a gross value of \$235.3 million.

### Employment

The company maintains a payroll of approximately 330 people of which 140 work underground. Of the total employees, 68 per cent live in Balmertown, 19 per cent in Red Lake, 9 per cent in Cochenour, 2 per cent on McKenzie Island and 2 per cent in Madsen.

At present, there are 15 job openings which have not been filled; these unfilled jobs are the minimum required to maintain the current underground development and production program, and do not represent requirements for expansion.

The following table indicates the ethnic composition of the work force, by nationality:

German	24
Ukranian	7
Finnish	3
Portuguese	6
British	3
Hungarian	3
Italian	15
Polish	17
Dutch	4
Belgian	1
Czechoslovakian	4
Yugoslavian	5
American	<u>2</u>
Canadian	236



There are 12 native Indians among the 236 Canadian-born workers.

The Company for some time has relied on native workers on a seasonal basis -- in effect, a two-seasonal flow both summer and winter, which depends on the hunting, trapping and fishing seasons. These workers are trained and experienced, and thus can be accommodated into the work force on this seasonal basis. Ideally, of course, the Company would prefer full-time workers.

While this seasonal employment has worked well in the past, in helping maintain employment requirements, there has been a disruption in the pattern this year. For reasons which we cannot ascertain, very few native peoples have applied for work. The number employed is well below the average of the last few years.

### Immigration

As can be seen from the breakdown of employment (by country of origin), the Company has had to rely substantially on immigrants who are willing and capable of working, and living, in the north. Most of these workers prove to be both efficient and stable. They do not move to other towns or to larger cities, to compete with others for jobs, or to rely on welfare assistance.

In view of the above, it is all the more puzzling that the Department of Immigration has made it very difficult for such people to enter Canada and to take employment which is available in the north. It is impossible at present to bring in the relatives of those already working here. Among the reasons given by the authorities are unemployment in Canada or inexperience in mining.





## Manpower

Whenever possible, the Company attempts to employ resident Canadians suitable for employment, who may or may not possess mining experience but are without employment (due to lay-offs or mine closing elsewhere). At present, however, there are restrictions on relocation allowances which are discriminatory to the skilled worker. A miner, with no children, and earning in excess of \$15,000 a year, is not eligible for relocation allowances. A miner with a family of three, and earning more than \$17,500 annually, cannot qualify for moving assistance from the government. Since wages and salaries in the mining industry are among the highest in all major Canadian industries, these restrictions are especially severe; many highly skilled mining personnel earn higher than the above limits. But clearly, such a person, now located in Newfoundland, for example, would find it financially difficult to move many hundreds of miles to new employment in Northern Ontario.

The opportunities for women to be employed in the north should be carefully examined -- both for single and married women.

## The Community

Several model communities have arisen since the 1950s in Canada -- fully serviced, offering adequate housing, social, recreational and cultural facilities -- as the result of major mineral discoveries and subsequent mine development. The provision of these amenities is considered necessary, in fact, essential, to attract personnel and provide them with the amenities of life -- in short, to create and maintain a stable work force and community.



This ideal is beyond the reach of older mining developments which occurred at a time when modern community planning concepts were not applied, when companies and governments were not coordinating efforts toward building efficient, centralized communities in the north.

In the case of Campbell Red Lake, our employees live in five separate communities.

This not only necessitates commuting to and from work, it also very seriously fragments a population which, from the point of view of efficiency, should be living in one community; it impairs seriously efforts to expand housing accommodation and to upgrade the quality of life of miners, their families, and others who depend on the mine for their livelihoods.

Housing and community facilities are essential to maintain a viable operation in the north. They will become even more critical in the years ahead if, as has been forecast in recent studies, there will be fewer young people entering the labour force in the 1980s. This would suggest that mining companies in remoter areas must be able to offer, not only rewarding job opportunities, but full access to family housing, recreational, education and cultural facilities.

Of special importance is the attitude of miners' wives toward the housing and community facilities that are available. It quite often is the wife who will determine whether a man will accept a job and whether he will remain in it. The quality, as well as availability, of housing is therefore of critical importance.





## Housing

While adequate housing is but one of the amenities which a worker expects to find in a mining community, it obviously is the critical one.

It is important now (and has been for some time) that Balmertown be expanded to meet the housing requirements of workers and their families. At present, we cannot provide sufficient and conveniently located housing for the number of employees which we require to maintain our existing operation.

Eleven employees of the Company right now are without proper housing; eight more require larger accommodation which is unavailable. These demands are over and above the housing requirements of the 15 additional employees which we could and would like to hire at present.

We estimate that there is a current requirement of at least 100 more homes in Balmertown.

In our view, there are a number of reasons for this serious shortfall in housing and related community facilities:

1. Capital to build homes, and operating expenses to maintain them, are extensions of the primary mining plant operation and must be provided by the industry. Since that is the case, it seems to us that the capital and operating costs should be taken fully into account under the tax structure that applies to mining in the north. Unfortunately, there is concern as to the stated intentions of the Ontario government in this regard.



2. The present provincial restrictions on town expansion -- specifically in requirements for sewage treatment -- are unduly severe in our opinion. Urban standards, however appropriate they may be elsewhere, are extremely expensive and cannot be economically justified in a town of relatively small population. Some time ago, the expansion of Balmertown was considered -- an increase of approximately 200 houses. Planning authorities, however, required an outlay for a sewage plant of about \$1.7 million, which could not be justified in a town of 1,200 people.

3. Private land and housing developers will not risk the large amounts of capital required for town development. The high-risk nature of mining prohibits such investment.

4. It is impossible at present for local residents to purchase shore-line property, either for permanent housing or for recreational use. Most of the land is patented ground, owned by private citizens or inactive mining companies; while the owners in some cases may grant annual renewable leases, these are inappropriate for a person wishing to build a permanent home. The Ministry of Natural Resources now conducts lotteries when shore-line areas are designated for recreational use; but this land cannot be purchased by residents -- leases only are granted.

In order to alleviate the housing shortage, we believe consideration should be given to the following:

a) A revision of tax policies so that they recognize the corporate costs involved in providing housing.

b) A review of environmental standards as they apply to northern communities.



c) There is a further element to the housing needs of the area, and that is the desire for housing by retired employees. This might seem, at first glance, to be a secondary problem. But in fact, it must be an important part of any consideration of housing accommodation. Retiring employees have spent most of their lives in the area; most would prefer to stay, rather than leave their homes and friends to relocate elsewhere. At present, they face the reality of moving, since there is insufficient housing for active employees. The forced (and at present, unavoidable) disruption of the lives of retired employees and their families has a seriously adverse effect on the Company's ability to attract workers and to build life-time stability into the fabric of the community.

#### Recreational and Other Facilities

In addition to housing, it is necessary to provide amenities and services which make northern life attractive -- to a reasonable extent, comparable to those of larger centres.

Industry is responsible at present for putting in place these facilities.

At Balmertown, the Company assumes responsibility for a golf course, ball field, pool hall, bowling alley, curling rink; supports a district skating arena, a public beach, tennis courts, among other similar facilities.

Of concern at present is the lack of choice in television viewing. While a CBC station provides good, varied entertainment, it cannot meet the needs of all residents. An alternative television channel would add substantially to the present home entertainment that is available, providing greater choice for families of different interests and tastes.





## Professional Services

The Company now supplies housing for medical doctors, teachers, hospital administrators and others who provide essential public services to the residents of the area. At the present time, we have adequate medical service, hospital facilities and educational systems.

However, in the critical area of medical service, there is a recurring problem -- the attracting and keeping of medical doctors in northern communities.

We would suggest that consideration should be given to tax incentives, or some similar form of encouragement, which would enhance the north as a place for professionals to locate. (Such incentive, of course, would be useful in any profession or work skill, but it has particular urgency in health services.)

## Transportation

Public transportation service is good, though the costs are high. Because of high airline costs it is all the more necessary that the area be served by adequate highways. At present, Highway #105 is too narrow to handle the heavy traffic generated by pulpwood trucks. It should be noted that high costs of transportation are not avoided by residents who own motor vehicles -- since regular gasoline is priced at \$1.056 per gallon, as against 80 cents in Winnipeg. (High energy costs in general are a factor for northern residents: home heating fuel, priced at 56.2 cents a gallon, is higher than in most other centres in the province.)



## Environmental and Other Controls

The Company began a program of environmental improvement many years ago, before the question became one of wide public concern.

In particular, we commenced studies of stack emissions and methods to improve controls seven years ago. As a result, in February, 1974, equipment was installed to remove arsenic and particulate matter from the roaster effluent. To our knowledge, this plant is the most modern and efficient of its kind in existence.

Our present concern is that demands for environmental controls -- as they apply across the industry -- tend to be based on what is possible at one location (such as, at Campbell Red Lake) rather than on concrete knowledge of what constitutes health hazards. Most industries recognize their obligations in the field of environment -- as in other social areas -- but it seems unreasonable to establish difficult, if not impossible, standards before the extent of a problem is known.

Again, in our view, occupational health standards are being arbitrarily formulated by the Ministry of Labour (ambient air in the mill for example) when it may be impossible for industries to meet these standards.

In a mining operation, there is an unavoidable disturbance of land; waste, or tailings, are realities of mining operations. The industry in general however has been active in land reclamation over many years, and there are many examples of parks and recreational areas built over formerly scarred land and tailings





deposits. In our own case, at the request of authorities, we used tailings to stabilize a roadbed built through swampland; to finish off the project, we seeded the deposited tailings to grass in order to improve the appearance of the landscape.

Aside from such effort in environmental improvement (and the Canadian mining industry's reclamation programs go back 40 years), it should be noted that the mining industry nationally disturbs only 0.006 per cent of Canada's total land area, and only a fraction of the land disturbed by highways.

### Mining Taxation

The graduated mining tax, in our opinion, is inappropriate for operations north of the 50th parallel, and we suggest that this question be considered by the Commission. The present tax structure does not encourage investment -- in productive facilities, housing and related facilities -- and hence is self-defeating.

We are a relatively small entity within the large Canadian mining industry, but we would like to believe that our operation over the years has made a worthwhile contribution to northern development. The Company continues to explore and carry out development work on the property. Ore reserves are maintained five years ahead of mining requirements. The Company looks forward to many years of future productive and stable operations.

There are three major factors affecting this future:



1. The political, economic and social conditions that affect the viability of the mining operation.

2. The demand for, and price of, our gold production in the market.

3. The course of inflation.

While the fluctuations of demand and price in the international market are beyond control, many of the problems associated with the mining operation 'at home' do lend themselves to improvement or correction. We have attempted in this preliminary submission to define those problems and to place them in perspective.



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SUBMISSION TO  
THE ROYAL COMMISSION ON  
THE NORTHERN ENVIRONMENT

BY

J.E.J. FAHLGREN

PRESENTED AT

RED LAKE

ON

NOVEMBER 15, 1977



ROYAL COMMISSION  
ON THE NORTHERN  
ENVIRONMENT

THE HON. MR. JUSTICE  
E. P. HARTT  
COMMISSIONER





SUBMISSION TO  
  
THE ROYAL COMMISSION ON  
THE NORTHERN ENVIRONMENT

BY

J. E. J. FAHLGREN  
President and General Manager  
Cochenour Willans Gold Mines Limited  
Cochenour, Ontario

PRESENTED AT  
  
RED LAKE, ONTARIO  
  
ON  
  
NOVEMBER 15, 1977

ROYAL COMMISSION  
ON THE NORTHERN  
ENVIRONMENT  
416/965-9286

MANULIFE CENTRE  
55 BLOOR STREET WEST  
ROOM 801  
TORONTO, ONTARIO  
M4W 1A5



Nov. 14/77  
Fahayren  
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MY LORD AND MEMBERS OF THE ROYAL COMMISSION ON THE NORTHERN ENVIRONMENT.

THE RED LAKE MINING DISTRICT EXTEND A MOST HEARTY NORTHERN WELCOME TO YOU, HERE IN OUR REMOTE REGION OF THE PROVINCE. WE HASTEN TO ASSURE YOU HOW SINCERELY WE APPRECIATE THAT YOU HAVE ELECTED TO VISIT OUR AREA AND THE COMMUNITIES SURROUNDING US, BECAUSE WE ARE NOT USUALLY AFFORDED AN OPPORTUNITY TO PRESENT OUR LOCAL SITUATION, PROBLEMS, VIEWS, GOALS AND OBJECTIVES FROM HOME BASE AS IT WERE. AT HOME, OUR PEOPLE CAN PARTICIPATE MORE FULLY, RATHER THAN TO SEND A DELEGATION 1300 MILES TO TORONTO, WHERE, TOO OFTEN, WE DO NOT SEE THOSE PEOPLE WE HAD EXPECTED TO MEET FOR REASONS OF PRESSING DEMANDS ON THEIR TIME, AND WE COME AWAY WITHOUT SATISFACTORY DISCUSSION AND ANSWERS. TOO, IT IS REASSURING THAT WE MAY EXPECT TO SEE YOU AND YOUR COMMISSIONERS ON MANY MORE OCCASIONS THAN TODAY.

FRUSTRATION IS A MOST COMMON EXERCISE FOR PEOPLE OF THE NORTH AS WE, PLAINLY SPEAKING, ARE NOT "YET" UNDERSTOOD BY OUR GOVERNMENT AND LESS UNDERSTOOD BY OUR BROTHER ONTARIANS IN THE HIGHLY POPULATED AREAS OF THE SOUTH, WHERE MOST ALL DECISIONS ARE MADE. THESE MAJOR CENTRES CONTROL THE CENTRAL NEWS AND IS THE POINT OF ORIGIN OF NATIONAL NEWSPAPERS AND THE TELEVISION MEDIA. IN THE SOUTH WE CAN ONLY MAKE THE NEWS WHEN OUR NEWS IS NOT GOOD, OR WE ARE SUBJECTED TO MEDIA PERSONNEL LOOKING FOR A HEAD LINE OR A STORY THAT FOR THEM IS A LEADER WITHOUT FAIRLY RESEARCHING THEIR NEWS STORY, AND AT NO TIME ARE WE AFFORDED THE SAME OPPORTUNITY FOR CHALLENGING OR RETRACTION.

LIKE IT OR NOT, WE ARE EXPERIENCED IN HAVING TO TOLERATE A SECOND CLASS RATING AS CITIZENS, AND OUR NATIVE PEOPLE ARE THEN PLACED IN THIRD POSITION. IT TOO OFTEN BECOMES APPARENT THAT WE ARE NOT ALLOWED CREDIT FOR





HAVING THAT KNOWLEDGE NECESSARY TO BE APPRIZED OF WHAT IS BEST FOR US AS A PEOPLE AND THIS PART OF THE PROVINCE WE HAVE LEARNED TO KNOW WELL. IT IS INTERESTING THAT IF AN IMMIGRANT FIRST SETTLES IN ONE OF OUR LARGER SOUTHERN CITIES AND READS THE NEWSPAPERS AND FOLLOWS HIS TV NEWS AND NEWSMAGAZINE PROGRAMS, ETC. WHO REPORT ON THE NORTHERN PART OF THE PROVINCE DISPARAGING COMMENTS, HE HAS TO THINK TWICE ABOUT A MOVE TO THE NORTH. IT IS A FACT CONFIRMED BY MANY OF OUR RELATIONS AND NON-RESIDENT FAMILY MEMBERS WHO RESPOND TO THE NEWS WITH SHOCK, AND FIND REASON TO PHONE AND WORRY ABOUT US OUT THERE.

WE RELATE THIS MISUNDERSTANDING OF THE ACTUAL FACTS TO A SERIOUS LACK OF COMMUNICATION, EDUCATION IN THE FIRST INSTANCE, THE MEDIA AND THE PRESS. THERE IS BUT LITTLE KNOWN ABOUT TWO THIRDS OF THE PROVINCE ACROSS THE NORTH BY THE PEOPLE WHO POPULATE ONTARIO. INCREDIBLE IS THE LACK OF APPRECIATION OF THE GREAT HERITAGE OF NATURAL RESOURCES THAT ARE THEIRS. AN ESPRIT DE CORPS BETWEEN THE NORTH AND SOUTH ONTARIANS HAS NOT YET BEEN ESTABLISHED, IN FACT THE GAP WIDENS. I SITE THE GOVERNMENT AND LEGISLATURE, OUR EDUCATIONAL PROGRAMS AND ITS SYSTEM FOR THEIR LACK OF AWARENESS AND THE NEWS MEDIA FOR THEIR UTTER LACK OF RESEARCH AND UNDERSTANDING OF THE TREMENDOUS PROGRESS ACROSS THE NORTH IN DEVELOPING, RESEARCHING, MANAGING AND CONTROLLING THE VAST NATURAL RESOURCES THAT SHOULD BE OF DEEP PRIDE TO ALL ONTARIANS.

EACH YEAR, I FOR ONE, FEEL A SHAME THAT OUR NORTHWESTERN ONTARIO CHAMBER OF COMMERCE FIND THE NEED FOR PILGRIMAGE TO TORONTO TO SPEAK AT OUR NEEDS BEFORE THE CABINET AND THEN ESPECIALLY SO, WHEN WE REALIZE HOW THE PRESS OF THE SOUTH NEGATES OR IGNORES OUR PRESENTATION AND VIEWS.



NOW, BELIEVE ME, THIS IS NOT A LAMENT, BUT I FEEL THERE ARE SOME FACTS YOU MUST ALL UNDERSTAND, IF YOU ARE TO BEGIN TO UNDERSTAND AND APPRECIATE OUR MESSAGES.

I CAN BEST ILLUSTRATE WHAT OUR EXPERIENCE HAS BEEN, AND WHAT WE MEAN, BY REFLECTING ON THE TRIALS OF THE GROUP OF SEVEN, OUR HAILED CANADIAN ARTISTS, AND PARTICULARLY TOM THOMSON. WHEN THESE GIFTED GENTLEMEN WERE FIRST COMMISSIONED TO CAPTURE THE REALISM, SOLITUDE, STRENGTH AND NATURAL BEAUTY OF THE FASCINATING HANDIWORK OF THE CREATOR'S HAND ACROSS THE NORTH AND PUT IT ON CANVASS, THEY WENT NO FURTHER THAN ALGONQUIN PARK. THESE ARTISTS HAD ESPECIAL ATTRIBUTES AND WERE PREPARED TO ACCEPT WHAT THEY WERE TO SEE IN SITU. THE MAJESTY, SOLITUDE AND WHAT AT TIMES HAS BEEN REFERRED TO AS A HOLINESS COMPLETELY ENVELOPED AND ASTOUNDED THESE GIFTED MEN. THEY ACCEPTED THAT DRIVING URGE TO MOVE ON AND ON TO STUDY MORE AND MORE OF ITS BOUNDLESS GRANDEUR, PARTAKING OF ITS BOUNTY, AS THEY SEARCHED FOR TRUTH TO ASSESS IT, BEFORE THEY WOULD PRESUME TO PUT IT ON CANVASS. AS COMMISSIONED, BEGIN THEY DID, AND INTERESTINGLY ENOUGH, WHEN THEY RETURNED TO TORONTO WITH THEIR FIRST PAINTINGS AND AN ART SHOWING, CRITICS GALORE COMPLETELY DEVASTATED THEIR WORK, WHICH THE PRESS PRESENTED IN THE NEWS TO THE PEOPLE. THERE WAS NOT ANY UNDERSTANDING OF THE GREATNESS OF THEIR INTERPRETATIONS (HAILED AS WATERPIECES TODAY). THOSE IN A POSITION TO VIEW, APPRAISE, COMMENT AND SUPPOSEDLY RECOGNIZED AS ABLE ASSESSORS TO BE QUOTED BEFORE THE PUBLIC DID NOT UNDERSTAND WHAT THEY SAW, HAD, WE CAN ASSUME, ALREADY RESOLVED IN THEIR MINDS WHAT THE NORTH WAS, AND THESE INTERPRETATIONS DID NOT CONFORM. IT WAS DESIGNATED TRASH. WE UNDERSTAND THE REACTION

I WOULD HOPE THAT YOU OF THE ROYAL COMMISSION WHO HAVE NOT VISITED WITH US PREVIOUSLY, DID EXPERIENCE A DELIGHTFUL SURPRISE ON ARRIVAL AS YOU



TRAVELLED THROUGH OUR COMMUNITIES, TO FIND OUR VILLAGES MODERN WITH AN EXCITING SPIRIT OF CONFIDENCE FOR THE FUTURE. FACETIOUSLY, I HOPE TOO, THAT NOT ANY OF YOU THOUGHT IT NECESSARY TO BRING ALONG YOU OWN FRESH FRUIT, AS SO MANY HAVE IN THE PAST! I TRUST YOU MAY FIND TIME TO VISIT THE INDIAN FRIENDSHIP CENTRE, TRIPLE "K" ART PRINTING AND THE INDIAN PENTECOSTAL CHURCH WHILE HERE.

YOU ARE NOW IN THE HEART OF A DISTRICT MINING COMMUNITY FOUNDED ON THE GOLD MINING INDUSTRY. ELEVEN SEPERATE CORPORATIONS DEVELOPED THEIR RESPECTIVE MINING CLAIMS, WERE SUCCESSFUL IN PROVING ECONOMIC ORES AND BUILT MINING AND MILLING PLANTS. IN EACH CASE THEY ALSO HAD TO BUILD INDIVIDUAL TOWNSITES TO ACCOMODATE THEIR EMPLOYEES. THIS IS THE OUTCOME WHEN GOVERNMENT CHOSE ABSENCE AND SAW NO REASON TO HELP PLAN AND CONSTRUCT INTERNAL ROADS. ALL GOLD MINING PLANTS NOW OPERATING AND THOSE PROPERTIES THAT ARE CLOSED, WERE CONSTRUCTED BEFORE 1950, FOR TWENTY FIVE YEARS THE ONLY MEANS OF TRANSPORATION FROM THE STEEL WAS THAT OVER THE WATERWAYS, I.E. TUG BOATS AND THEIR SWING OF SCOWS IN SUMMER, AND BY TRACTOR AND SLEIGH SWINGS ACROSS THE ICE AND LAND PORTAGES. THE FIRST PRODUCER WAS THE HOWEY GOLD MINES LIMITED IN RED LAKE, AND THE LEGION HALL IS LOCATED ON PART OF THEIR PROPERTY. THE HOWEY PEOPLE HAD NOT ONLY THEIR OWN MINE AND MILLING PLANT TO CONSTRUCT, BUT INVOLVED WITH THE CONSTRUCTION OF THE FIRST HYDRO PLANT AT EAR FALLS, CONSTRUCTION OF THE POWER LINE TO RED LAKE, AND THEIR LOCAL DISTRIBUTION OF POWER TO THE COMMUNITY.

LACKING GOVERNMENT INTEREST AND INVOLVEMENT IN LOCAL PROBLEMS, AND WITH GOLD DISCOVERIES BEING SPREAD OVER A FOURTEEN MILE REGION, THE LACK OF INTERNAL ROADS IS THE MAJOR REASON WHY SEVEN SMALL SEPERATE COMMUNITIES, WITH A TOTAL POPULATION OF ONLY 5,000 PEOPLE , DEVELOPED. THIS HAD THE EFFECT OF SEVEN





COMMUNITY HALLS BUILT, FIVE CURLING RINKS WITH SEVENTEEN SHEETS OF ICE, FOUR HOSPITALS - RED LAKE, MCKENZIE ISLAND, COCHENOUR AND MADSEN. FIVE PUBLIC SCHOOLS, SEVEN SEPERATE SEWER AND WATER INSTALLATIONS. YOU CAN WELL IMAGINE WHAT THIS KIND OF DUPLICATION HAS COST INDUSTRY AND THE PEOPLE. THE ONLY GOVERNMENT INPUT IN THE FIRST TWENTY YEARS OF OUR HISTORY WAS A VISIT BY PREMIER HEPBURN, WHEN HE ANNOUNCED THE INSTALLATION OF A RADIO TELEPHONE. THIS WAS OUR FIRST COMMUNICATION SYSTEM WITH THE OUTSIDE.

FOUNDED IN 1925, IT TOOK AN EXCEPTIONALLY HAZARDOUS EXTENDED BREAK-UP PERIOD IN 1945, THAT THREATENED THE HEALTH OF OUR COMMUNITIES THROUGH A LACK OF FOOD, EXISTING AT THE LAST ON MACARONI AND SPAGETTI, THAT FINALLY BROUGHT NOTICE OF OUR ISOLATION TO THE SENIOR GOVERNMENTS. THEN EVERYONE PUT ON A SHOW. THE PROVINCE OF MANITOBA WERE READY TO BUILD A ROAD TO RED LAKE, AND FLEW IN THE MANITOBA CHAMBER OF MINES OFFICIALS AND MEMBERS OF THEIR LEGISLATURE. THIS WAS DISCOUNTED AND THE PROVINCE ANNOUNCED THE IMMEDIATE CONSTRUCTION OF A 112 MILE ROAD FROM VERMILLION BAY TO RED LAKE UTILIZING PART OF THE FOREST~~RY~~ ROAD BUIT BY O & M AT THE SOUTH END. THE SAME YEAR THE FEDERAL GOVERNMENT ANNOUNCED THE CONSTRUCTION OF A NATIONAL DEFENCE AIRPORT. BUT THEY DID NOT COMPLETE THE JOB, AND WITHOUT INTERNAL ROADS THE WATERWAY TRANSPORTATION HAD TO CONTINUE. THE AIRPORT COULD ONLY BE REACHED BY WATER TAXI AND A WALK OR BY BOMBADIER IN THE WINTER OVER THE ICE. 1950 SAW THE CONSTRUCTION OF INTERNAL ROADS AND OUR COMMUNITIES WERE JOINED. TWENTY FIVE YEARS BEFORE INTERNAL ROADS AN GOVERNMENT ATTENTION IS A LONG TIME TO WAIT.

REMARKABLE AND INSPIRING IS THE FORTITUDE, TENACITY, PATIENCE, AND PLAIN COURAGE OF THE NORTHERN PEOPLE AND THE WAY THEY HAD TO COPE. NORTHERNERS HAVE DEVELOPED INTO A BREED UNTO THEMSELVES, AN EXPRESSION YOU HAVE NO DOUBT HEARD EXPRESSED.



HAVING SUFFERED THROUGH THE CLOSURE OF NINE GOLD MINES, OUR NORTHERNERS ARE NATURALLY CONCERNED ABOUT THE FUTURE, BUT CONFIDENT THAT THEY CAN COPE AND WIN, BY DIVERSIFYING AND TAKING ADVANTAGE OF THE MANY OTHER NATURAL RESOURCES. IT IS NATURAL THAT THE GREATEST CONCERN OF THE FAMILY WAS EDUCATION AND EXPERIENCE FOR THEIR CHILDREN. GOOD SCHOOLS - PUBLIC AND HIGH HAVE BEEN ESTABLISHED. NOTWITHSTANDING THE HIGHER THAN NORMAL FAMILY COSTS TO SEND THEIR CHILDREN OUT FOR POST EDUCATION, UNIVERSITY, COLLEGE, HOSPITALS, BUSINESS, TRADES, THE PERCENTAGE OF STUDENT, PRO-RATA, FROM THE RED LAKE DISTRICT ENTERING THESE EDUCATIONAL HALLS OF LEARNING IS ONE OF THE HIGHEST IN CANADA.

IT HAS BEEN THE RESPONSIBILITY OF INDUSTRY TO PROVIDE, INITIALLY AT LEAST, THE FUNDING FOR MOST ALL SERVICES AND RECREATIONAL COMPLEXES. THE PORTAGES, POWER LINES, HOUSING, FIRST SCHOOLS, HOSPITALS, COMMUNITY HALLS CURLING RINKS, ARENA, PLAYGROUNDS. THE LATEST ADDITION IS THE CAMPBELL CURLING RINK BUILT BY THE CAMPBELL MINE, ONE OF THE FINEST IN THE PROVINCE AT A COST EXCEEDING \$500,000.00. RETROACTIVE TAX LEGISLATION HAS NOW TERMINATED ALL SUCH CONSIDERATIONS BY INDUSTRY. UNDER A NEW INTERPRETATION OF THE TAX ACT, SUCH EXPENDITURES CANNOT BE WRITTEN OFF IN FUTURE, AND THIS APPLIES TO THOSE COMPLETED. THIS IS ANOTHER SERIOUS KNOCK TO NORTHERN PEOPLE.

TOWN PLANNERS VISITING US TODAY APPEAR ASTOUNDED, WONDERING WHO PLANNED THIS SPREAD OUT COMMUNITY. WITHOUT GOVERNMENT INPUT, THE TOWNS HAD TO FIND THE BEST AND CHEAPEST BUILDING AREAS THEY COULD WHICH WAS TO BE IN CLOSE PROXIMITY TO THE MINING PLANTS TO OBTAIN ELECTRIC POWER, WATER & SEWAGE AND SERVICES FOR THEIR SCHOOL, HOSPITAL AND RECREATION COMPLEXES.

WHILE THE FEDERAL DIVISION OF MINES HAS ASSISTED INDUSTRY





TO SOME EXTENT IN METALLURGY RESEARCH, IT HAS BEEN LEFT TO INDUSTRY ESSENTIALLY TO CARRY OUT THEIR OWN. WHEN THE COCHENOUR WILLANS GOLD MINES CAME ON LINE, IT WAS A FIRST TO TREAT AND MILL AN ARSENICAL ORE. THE FLOTATION PRODUCT HAD TO BE SHIPPED TO TACOMA, WASHINGTON, IN NORTHWESTERN UNITED STATES FOR FINAL TREATMENT AND RECOVERY. THE COCHENOUR COMPANY APPROACHED THE DORR COMPANY OF WESTPORT, CONN. TO CARRY OUT RESEARCH WITH OUR METTALURGISTS, AND A YEAR LATER WE CAME UP WITH THE DESIGN OF THE FIRST FLUO SOLID ROASTER IN THE WORLD TO TREAT SULPHIDE ORES. THE ROASTER WAS AN IMMEDIATE SUCCESS AND ORE COULD BE TREATED ON THE MINE SITE. THERE FOLLOWED VISITS BY INTERESTED PEOPLE FROM ALL SECTIONS OF THE GLOBE, AMERICA, JAPAN, EUROPE PHILLIPINES AND BELGIAN CONGO. THE PROCESS WAS EXTENED IN JAPAN TO ALSO TREAT ZINC ORES, WHERE MORE THAN FIFTY PLANTS HAVE BEEN BUILT. IT WAS THE PROCESS ACCEPTED BY CAMPBELL AND DICKENSON, WHO HAVE SUBSEQUENTLY CARRIED OUT EXPENSIVE RESEARCH ON STACK EMISSION AND ARSENIC COLLECTION. INSTALLATIONS ARE NOW IN PLACE AND THE CAM'BELL PROCESS HAS ESTABLISHED THE ACCEPTABLE LIMITS IN THE COUNTRY.

DIVERSIFICATION AND PROGRESS IS MOST INSPIRING AND HEARTENING TO THE NORTHERNER, IT PRODUCES CONFIDENCE IN TOMORROW. THE HIGHWAY AND AIRPORT BROUGHT THE ADVENTURESOME VACATIONERS, FISHERMAN AND HUNTER, AND A SURGE OF A NEW INDUSTRY - THE TOURIST BUSINESS. ABOUT THE SAME TIME AS THE LAST PRODUCER IN THE TOWN OF RED LAKE CLOSED, THE HIGHWAY WAS BUILT. THE FIRST TOURIST FOLDER WAS PRODUCED THROUGH DONATIONS ACROSS THE COMMUNITIES AND SUPPORTING FINANCIAL INPUT BY THE GOLD MINING COMPANIES.

TO ESTABLISH SOME INFORMATION ON THE IMPACT OF THIS NEW INDUSTRY THE CHAMBER OF COMMERCE APPROACHED THE LOCAL BANKS TO RECORD THE TOURIST INCOME AS WELL AS POSSIBLE AND ESPECIALLY THE AMERICAN EXCHANGE BROUGHT INTO THE DISTRICT. TO OUR ASTONISHMENT IT AMOUNTED TO ROUGHLY ONE MILLION DOLLARS, WHICH IN FACT HAD UNDERWRITTEN THE PAYROLL LOSS TO THE COMMUNITY THROUGH THE CLOSING OF THE HASAGA MINE.

IN A RESOURCE AREA YOU CAN HAVE SATISFYING SURPRISES AND WE WERE MUCH BUOYED WHEN THE STEEL COMPANY OF CANADA RESOLVED THE BRUCE LAKE IRON DEPOSIT WAS VIABLE, AND A VIBRANT IRON OPEN PIT INDUSTRY WAS TO BECOME A FACT, EMPLOYING 450 to 500 PEOPLE.



ABOUT THE SAME TIME, THE COCHENOUR COMPANY WITH A TOTAL EMPLOYMENT ROLL OF SOME 264 PEOPLE, FOUND IT NECESSARY TO REDUCE THEIR EXPLORATION AND DEVELOPMENT PROGRAM. A LARGE GROUP OF STAFF AND SKILLED PEOPLE TRANSFERRED TO THE GRIFFITH. COCHENOUR COMPLETED ARRANGEMENTS FOR ALL EMPLOYEES DESIRING TO PURCHASE THEIR HOMES. THERE WAS NO DISPLACEMENT OF FAMILIES; IT WAS A CASE OF TRANSFERRING TO A NEW JOB.

IN 1971 COCHENOUR OPERATIONS WERE CLOSED, AND AGAIN THE OPERATING COMPANIES WERE INVITED TO INTERVIEW THE COCHENOUR EMPLOYEES IN THE COCHENOUR OFFICES WHO MADE THEIR OWN CHOICE OF WHERE THEY ELECTED TO TRANSFER. AGAIN EMPLOYEES COMPLETED SATISFACTORY ARRANGEMENTS WITH THE COCHENOUR COMPANY TO PURCHASE THEIR HOMES AND THE TRANSITION WAS SMOOTH WITHOUT FAMILIES BEING DISPLACED. IT SHOULD BE NOTED THAT MANPOWER HAS NOT HAD CAUSE TO OPERATE <sup>Here</sup> AND HANDLE MINE CLOSING IN THIS DISTRICT. THIS DISTRICT HAS TO DATE BEEN ABLE TO PICK UP THE SLACK AND OFFER OTHER EMPLOYMENT TO THOSE WHO LOST JOBS BY CLOSURE AND WISHED TO REMAIN IN OUR AREA.

IN THE BACKGROUND WAS OUR TOTAL AWARENESS OF ANOTHER GREAT NATURAL RESOURCE SURROUNDING US, THAT OF THE FOREST. WE LOOK FORWARD TO A NEW DEVELOPMENT IN OUR MIDST. WE BELIEVE THE MOST EXEMPLARY FORESTRY COMPLEX CAN BE DEVELOPED TODAY, WITH DUE RESPECT FOR OUR PRESENT ENTERPRISES, THE PEOPLE AND PARTICULARLY OUR ECOLOGY. WE RECOGNIZE THAT TECHNOLOGY IS AVAILABLE TO EFFECTIVELY CONTROL INDUSTRIAL POLLUTION AND EMISSIONS, AND OUR ENVIRONMENT CAN BE PROTECTED.



THE NORTHERNER HAS GROWN UP WITH INDUSTRY, POLLUTION, EMISSIONS, AND SUBSEQUENTLY STRICT ENVIRONMENTAL CONTROLS. HE UNDERSTANDS, RESPECTS AND HAS EXPERIENCE TO APPRECIATE NECESSITY FOR THESE CONTROLS AT THE OUTSET OF ANY NEW CONSTRUCTION. HE ALSO UNDERSTANDS THE PROCESSES TO MERCHANT THE RESOURCES. ALL IN ALL AS WELL AS, IF NOT BETTER, THAN THE MAJORITY OF THE PEOPLE. WE ARE AWARE THAT THIS IS A VERY RICHLY ENDOWED PART OF CANADA, WHERE OPPORTUNITY FOR FULFILMENT OF EXPERIENCE, WORK AND SUCCESS IS RIGHT HERE FOR EACH AND EVERY ONE OF US, THAT WE MUST PROTECT IT, AND PROTECT IT WE WILL.

WE HAVE ACHIEVEMENTS, BUT WE ARE NOT SATISFIED AND SEEK THE CLOSEST TO PERFECTION WE CAN. TAKE THE ACCIDENT <sup>PREVENTION</sup> RECORDS OF OUR MINES AND YOU WILL FIND THOSE OPERATING, AND MANY OF THOSE NOW CLOSED, LEADING ONTARIO OVER A LONG PERIOD OF YEARS AS THE SAFEST MINES IN THE PROVINCE, BE IT THE GOLD MINES, THE IRON OPEN PIT MINE OR THE COPPER/ZINC MINE IN SOUTH BAY. YOU WILL FIND OUR INDUSTRY IS CONTINUALLY CONCERNED WITH ACCIDENT PREVENTION, REGISTER AWARENESS AND ACTION IN RESPECT TO OUR ECOLOGY AND A CONTINUING SURVEILLANCE OF ENVIRONMENTAL AND POLLUTION CONTROL.

JUST AS EACH REGION OF CANADA PRODUCES THE BEST FOR THE GOOD OF ALL, SO WE MUST BROADEN OUR HORIZONS FURTHER NORTH AND BE EXPECTED TO PRODUCE TO OUR ULTIMATE. ANY DEVELOPMENT MUST BE DONE WITH RESPECT TO NATIVE AND WHITE WITH EQUAL RIGHTS FOR BOTH RATHER THAN EACH GROUP BEHAVING AS MASTERS OF ANY PART OF IT. WE SHOULD BE READY FOR CHANGES IN THE WAY WE PERCEIVE BOTH GROWTH AND NATURE ARE ATTAINABLE AND BE PREPARED TO PROHIBIT ABUSES TO THE LAND WE LIVE IN.





# THE MOST SIGNIFICANT BREAK-DOWN IN THE CANADIAN FRAMEWORK

WAS INITIATED IN THE EARLY FORTIES. THE OIL FIELD OF ALBERTA CAME INTO PROMINENCE

AND GREAT EXCITEMENT FOLLOWED TO BUILD PIPE LINE TO GET THE OIL TO MARKET.

WHAT BROUGHT CANADA INTO A VIABLE UNIT WAS THE RAILWAYS CROSSING THE LAND FROM

COAST TO COAST, UNDAUNTED BY THE ROUGH TERRAIN AND MOUNTAIN RANGES. WHEN THE

GREAT CANADIAN OIL RESERVE WAS READY FOR MARKET, THOSE IN THE IVORY TOWERS

OF OTTAWA DID NOT RESPOND TO THE SAME SENSE OF CANADIANISM AS OUR FOUNDING FATHERS.

THEY WOULD NOT COUNTENANCE CROSSING THE PRECAMBRIAN SHIELD, THEREBY FOREGOING

AN OIL REFINERY AT THE HEAD OF THE GREAT LAKES TO SERVE THE MASSIVE FREIGHTING

OPERATIONS. NO, THEY BUILT THE OIL LINE THROUGH THE STATES OF NORTH DAKOTA,

MINNESOTA, WISCONSIN, ILLINOIS, OHIO, MICHIGAN TO ENTER ONTARIO AT SARNIA AND ON TO

HAMILTON AND TORONTO, WITHOUT CONSIDERATION FOR POINTS EAST SUCH AS MONTREAL

AND CENTRES OF QUEBEC (NOW IN PANIC THEY ARE RUSHING A LINE THROUGH). AND WHO

GOT THE REFINERY AT THE GREAT LAKES HEADWATER, NONE OTHER THAN DULUTH, MINNESOTA.

AND WHY BRING THIS UP, BECAUSE WE HERE IN RED LAKE - <sup>10</sup>~~324~~ MILES BY ROAD FROM THE

WINNIPEG REFINERIES, PAY THE HIGHEST RATES FOR GASOLINE AND HEATING OIL IN THE

PROVINCE. WE CANNOT OBTAIN ANY REDRESS FROM OUR GOVERNMENT AND THEY ARE STILL

SATISFIED TO ALLOW THE OIL COMPANIES TO SHAFT US BY PRICING THE PRODUCTS DELIVERED

IN RED LAKE AT THE SARNIA PRICE PLUS FREIGHT FROM SARNIA TO RED LAKE - 1300 MILES.

INCREDIBLE! THE OIL WE USE IS DELIVERED TO US FROM WINNIPEG. HERE IN THE NORTH

WE HAVE TO SUBSIDIZE THE PRICE PAID BY OUR COUNTERPARTS IN SOUTHERN ONTARIO AND

QUEBEC.



SUBSEQUENTLY CAME THE GAS LINE - ALBERTA to TORONTO, LO AND BEHOLD THE ROUTE WAS TO BE THE SAME. A FEW OLD TIMERS SAVED THE DAY BY GAINING A WEEK-END AUDIENCE WITH THE THEN PREMIER " LESLIE FROST ", WELL KNOWN TO US AS MINISTER OF MINES IN THE DREW CABINET. WHEN THE PROPOSITION WAS PUT TO HIM AND THE GAIN FOR OUR MINING AND PULP AND PAPER COMPANIES, OUR TOWNS AND CITIES IN THE NORTH, HE ACCEPTED THEIR MESSAGE, WENT TO OTTAWA AND DEMANDED THE LINE BE BUILT THROUGH NORTHWESTERN ONTARIO. OTTAWA WAS AT FIRST UNCOMPROMISING, BUT WHEN MR. FROST PROPOSED TO SUPPLY THE FINANCING, THERE WAS NOT AN ALTERNATIVE.

IT IS RIGHT THAT WE SHOULD REFLECT ON THIS PART OF CANADIAN HISTORY, THE OIL LINE, THE NATIONAL DREAM WAS EXPENDED AND CRACKS IN THE WALL OF CONFEDERATION BEGAN WHEN CANADA IS PLACED SECOND FOR EXTERNAL CONSIDERATIONS. AS A RESULT CERTAINLY NORTHERN ONTARIO HAD TO PAY, AND CONTINUES TO PAY.

I WOULD BE REMISS NOT TO REFER TO THE THOUSANDS OF PEOPLE NORTH OF OUR COMMUNITY. MY FRIENDS IT IS HARD TO COMPREHEND HOW OUR COUNTRY CAN ASSUME TO BE CONCERNED AND GIVE ADVICE TO AFRICA AND OTHERS, WHEN WE HAVE NOT BEGUN TO MEET OUR OWN OBLIGATIONS AND THE NEEDS OF OUR OWN PEOPLE. WE MUST SET OUR OWN HOUSE IN ORDER. NORTHERNERS HAVE LEARNED TO UNDERSTAND AND APPRECIATE THE PROBLEMS AND CHALLENGES OF OUR NATIVE BRETHREN FAR MORE THAN THOSE FLYING ABOUT FROM THE CENTRES OF GOVERNMENT. TAKE NOTICE THAT MISSIONARIES FROM A FOREIGN COUNTRY ARE HERE IN RED LAKE AND THROUGH THE NORTH OF US, CONCERNED ABOUT CANADIANS, WHILE WE SMUGLY LOOK ELSEWHERE. THE ENTRY OF MISSIONARIES INTO THE COMMUNITY WAS EMBARRASING TO US AS RESIDENTS, RESIDENTS OF THE RECOGNIZED MOST FINANCIALLY STABLE PROVINCE OF THE LAND. BUT GOD BLESS THEM, THEY SET AN OUTSTANDING EXAMPLE OF CHRISTIAN BROTHERHOOD, AND ARE CARRYING OUT GOOD WORK *in their quiet unassuming way*





THE RED LAKE MINING DIVISION IS THE INDUSTRIAL COMMUNITY IN CLOSEST PROXIMITY TO THE NORTHERN RESERVES. WHEN THE NATIVE PEOPLE LEAVE TO FIND EMPLOYMENT, THEIR FIRST STOP IS RED LAKE. THEY HAVE IN FACT FEW ASSETS TO BRING WITH THEM OTHER THAN THEIR SLEEPING ROLLS AND COOKING UTENSILS. THIS COMMUNITY HAS REACHED OUT CONTINUALLY FOR HELP FROM THE SENIOR GOVERNMENTS TO ASSIST US TO LOCATE THESE PEOPLE PROPERLY AND HAVE TRIED FROM TIME TO TIME TO MONITOR THE MOVEMENT OF THE FAMILY TO OUR AREA WITH LITTLE SUCCESS, IF ANY. WITHOUT A RECEIVING CENTRE BEING ESTABLISHED <sup>and</sup> /OR PROPER ACCOMODATIONS AVAILABLE, TOO OFTEN THEY HAVE HAD TO TAKE LITTLE MORE THAN A BEDROOM SIZE BUILDING TO ACCOMODATE SLEEPING AND A STOVE IN THE CENTRE. UNDER THESE CONDITIONS THE LIVING ROOM THEN CAN ONLY BE THE STREET. THEY ARE THE GROUP SEEN EARLY IN THE MORNING AND LATE IN THE EVENING.

WE HAVE STATED, AND REPEAT THAT THE SITUATION COULD HAVE BEEN, AND COULD IN FUTURE BE BETTER. THE COMMUNITY HAS TIME AND AGAIN ELECTED WITH PROPOSALS TO IMPROVE THE SITUATION. WE KNOW THERE IS A BETTER WAY, BUT THE COMMUNITY CANNOT BEGIN TO NOR SHOULD BE EXPECTED TO HANDLE IT ALONE. THIS AREA DOES HAVE MORE EXPERIENCE, INTEREST AND POSITIVE INVOLVEMENT WITH THE NATIVE THAN MOST NORTHERN TOWNS. WHILE YOU ARE HERE, VISIT THE TRIPPLE "K" ART PRINTING, THE FRIENDSHIP CENTRE AND THEIR CHURCH, AND YOU MIGHT WELL FEEL CONFIDENT THAT SOME PROGRESS IS BEING MADE AND THAT WE ARE PREPARED TO ESTABLISH A MORE EXEMPLARY PICTURE IF WE ARE GIVEN THE TOOLS, BY INVOLVING FURTHER THE WHITE AND NATIVE RESIDENTS. HAD OUR GOVERNMENTS STOPPED TO LISTEN TO US OVER THE YEARS, WE WOULD NOT HAVE ANYTHING LIKE THE SITUATION PRESENT WHEREBY A SMALL GROUP ARE AS REAL AN EMBARRASEMENT TO THEIR BROTHERS AS THEY ARE TO THE REST OF U



IN THEIR QUIET UNASSUMING WAY.

SOME TWENTY YEARS AGO WE PRESSED THE GOVERNMENT TO ASSIST US IN HOUSING NATIVE PEOPLES WHO MOVED INTO THE COMMUNITY FOR EMPLOYMENT, AND FINALLY WE DID GET FUNDING FOR SIX HOMES. WE HAD TWO SAW MILLS WITH PLANING FACILITIES WHO SUPPLIED LUMBER FOR INDUSTRY AND THE COMMUNITY. WE WANTED TO BUILD OUR SIX HOUSES, BUT TO GET THE HOUSING APPROVED WE HAD TO ACCEPT SIX PRE FABRICATED HOUSES THAT SOMEONE IN THE MINISTRY FELT B ETTER. THEY WERE NOT IN FACT BUILT TO MEET OUR CLIMATIC CONDITIONS AND DETERIORATED QUICKLY, BUT STILL EXIST. OTHER THAN THIS EXERCISE IT WAS LEFT TO INDUSTRY TO SUPPLY HOUSING, AND COCHENOUR CONSTRUCTED FIFTEEN HOMES FOR NATIVE PEOPLE EMPLOYED BY THE CORPORATION. FOLLOWING THE CLOSE DOWN IN 1971 THE COMPANY SOLD THESE HOMES AND THEY HAVE BEEN REMOVED.

TODAY WE SEE THE AIRPORTS FULL OF BUILDING MATERIALS THAT ARE BEING FLOWN TO NORTHERN RESERVES. MATERIALS THAT COME FROM THE FORESTS, SIMILAR TO THAT SURROUNDING THE RESERVES. WHY HAS NOT THE CENTRAL GOVERNMENTS INSTALLED A MODERN SAW MILL, PLANING MILL, DOOR & CABINET FACTORY ON ONE OF THE MAIN RESERVES TO SUPPLY THESE MATERIALS, <sup>WHEN</sup> ~~XXX~~ AT THE SAME TIME THE PEOPLE WOULD RECEIVE EXPERT TRAINING USING MODERN METHODS IN LOGGING AND THE PRODUCTION OF FINISHED LUMBER, ETC. A TRAINING VALUABLE TO MEN MOVING TO OTHER PARTS OF THE PROVINCE. INSTEAD WE DECIDE WHAT IS BEST FOR THEM, AND THEY HAVE TO TAKE WHAT THEY CAN GET. <sup>FOR THEM</sup> AND WE FAIL IN PROVIDING AN OPPORTUNITY TO LEARN MANY OF THE SKILLS OF OUR SOCIETY.

AS A NORTHERNER I HAVE COMPLETED FIFTY YEARS IN BUSINESS, AS AN EMPLOYEE, SEVEN YEARS IN FOREST PRODUCTS WITH O&M, TWO YEARS TRANSPORTATION



AIR WATER & GROUND, AND FORTY ONE YEARS IN MINING WITH THE REWARDING OPPORTUNITY AS AN EMPLOYER. I HAD THE SATISFYING EXPERIENCE OF BUILDING UP TO MORE THAN TWENTY PERCENT OF THE PERSONNEL IN OUR CORPORATION WITH NATIVE PEOPLE. THEY ARE AN INTELLIGENT, ABLE GROUP OF PEOPLE WHO CAN BE TRAINED INTO ALMOST ANY WORK IN INDUSTRY. IF THEY SPEAK ENGLISH WELL, AND HAVE SOME HIGH SCHOOL EDUCATION INCLUDING MATHEMATICS AND CHEMISTRY, ETC, THEY CAN PROGRESS AT A FASTER RATE. MANY WITH OUR CORPORATION BECAME HIGHLY SKILLED AS MINERS, AND GENTLEMEN BELIEVE ME, THIS IS A HIGHLY SKILLED PROFESSION, WHETHER YOU RECOGNIZE IT OR NOT. AS GOLD MILL OPERATORS, WHO MOVED UP TO TOP JOBS SUCH AS SHIFT FOREMAN, IN THE SHOPS AS ELECTRICIAN, IN THE EXPLORATION OFFICE AS GEOPHYSICS TECHNICIAN, IN DIAMOND DRILLING AS LEAD RUNNERS.

A PANEL SPEAKER AT A FORUM HOSTED BY THE PROFESSIONAL ENGINEERS OF THE LAKE OF THE WOODS CHAPTER HELD IN BALMERTOWN LAST YEAR, MR. FRED PLAIN PRESENTED A TREATY "9" VIEWPOINT. AT THE OUTSET HE SAID "OUR PEOPLE, TO BEGIN WITH, HAVE NO WISH TO STAND IN THE WAY OF PROGRESS AND DEVELOPMENT". I BELIEVE HE SPEAKS FOR HIS PEOPLE IN THIS STATEMENT, BUT THEY DO HAVE A DEEP CONCERN AS TO HOW THEIR PEOPLE CAN BECOME AN INTEGRAL PART WITHIN THE EMPLOYMENT FORCE. IT IS RIGHT THAT THEY SHOULD. HE SAID FURTHER "THEY SHOULD BE PROVIDED WITH THE OPPORTUNITY TO TAKE JOBS THAT WOULD ENABLE THEM TO PROGRESS FROM POINT A TO POINT B AND SO ON RIGHT DOWN THE LINE AND NOT TO JUST BE ASSIGNED TO MENIAL JOBS". I AGREE, BUT I SAY TO MY FELLOW INDIAN PEOPLE, OR ANYONE ELSE LOOKING FOR EMPLOYMENT, WHEREVER WE MAY COME FROM, ALL OF US HAVE TO START ON THE LOWER RUNGS OF THE LADDER, UNLESS BY CHANCE IT HAS BEEN AN INDIVIDUAL'S FORTUNE TO HAVE SPECIALIZED THROUGH POST GRADUATE STUDIES, EVEN THEN HOWEVER, YOU STILL DO NOT HAVE THE PRACTICAL





KNOWLEDGE NECESSARY IN MOST INSTANCES, AND THE EXPERTISE TO COMMAND THE TOP JOB.

I WELL RECALL WHEN THE FIRST PAPER MILL WAS BUILT IN KENORA<sup>1924</sup>, THE COMPANY I JOINED THREE YEARS LATER. THOSE WHO TOOK OVER THE TOP JOBS CAME FROM OTHER MILLS ACROSS CANADA WHERE THEY HAD PROVED UP. THE KENORA MEN AND BOYS TOOK THE BACK-UP JOBS AND EVENTUALLY WERE PROMOTED. BASIC EDUCATION WAS ALWAYS A CRITERIA.

I TRUST THE INDIAN PEOPLE ON THE RESERVES WILL MOVE AS QUICKLY AS POSSIBLE TO BROADEN THEIR EDUCATIONAL SYSTEM AND INCLUDE GRADES UP TO ELEVEN AS A FIRST GOAL COVERING BOTH EDUCATIONAL STREAMS OF THE ONTARIO SYSTEM. TO DO THIS, IT IS THE PEOPLE<sup>the Native</sup> WHO MUST RECOGNIZE THE NEED AND A DEDICATED DESIRE FOR THIS MUST BE GENERATED WITHIN THE FAMILY UNITS THEMSELVES, OTHERWISE THE EXERCISE WOULD BE A FAILURE. IT CERTAINLY WAS THE FAMILY UNITS THAT DETERMINED THE EDUCATIONAL SYSTEM THAT DEVELOPED IN RED LAKE DISTRICT. THIS IS SOMETHING NO ONE CAN DO EFFECTIVELY FOR THEM OR ANYONE ELSE. THE INDIAN PEOPLE MUST RECOGNIZE THE NEED AND DO THE BASIC PLANNING TO ATTAIN CHANGE. "ABRAHAM LINCOLN SAID - " YOU CANNOT BUILD CHARACTER AND COURAGE BY TAKING AWAY MAN'S INITIATIVE AND INDEPENDENCE — YOU CANNOT HELP MEN PERMANENTLY BY DOING FOR THEM WHAT THEY COULD AND SHOULD DO FOR THEMSELVES."

WE HAVE ANOTHER ILLUSTRATION.

HERE IN A COMMUNITY OF CHURCHES, THE INDIAN PEOPLE HAVE FORMED THEIR OWN CHURCH. THEY MEET TO READ THE WORD, THEY MEET TO SING, THEY MEET TO PRAY AND THEY MEET TO VISIT AND FRATERNIZE, AND THEY ARE HAPPY. WHAT EXCITES ME, IS THE WORK THEY ARE DOING WITHIN THEIR OWN COMMUNITY OF PEOPLE. THEY HAVE IN FACT TAKEN MORE OF THEIR PEOPLE OFF THE STREETS AND AWAY FROM ALCOHOL, THAN ALL THE CHURCHES IN THE DISTRICT PUT TOGETHER.



IT IS BECOMING APPARENT THAT PROGRESS IS BEING MADE WITHIN THE FAMILY OF INDIAN RESERVES AND THEIR RESPECTIVE TRIBES TOWARD UNITY. ONCE THEY HAVE THEIR OWN HOUSE IN ORDER, AND CAN IN TRUTH SPEAK COLLECTIVELY, I BELIEVE THE TIME WILL HAVE ARRIVED WHEN THE INDIAN PEOPLE SHOULD HAVE DIRECT REPRESENTATION IN THE LEGISLATURE, BECAUSE ONE OF THEIR OWN COULD PRESENT MORE LUCIDLY AND WITH A DEEPER UNDERSTANDING OF THE FACTS, THEIR GOALS AND NEEDS TO THE LEGISLATURE AND HOUSE OF COMMONS, THAN ANY ONE OF US.

MY LORD, THE NORTHERN PEOPLE ARE MUCH INTERESTED WITH THE DECISION OF THE PROVINCIAL GOVERNMENT TO SET UP A NEW MINISTRY OF NORTHERN AFFAIRS WITH OFFICES THROUGHOUT THE NORTH. WE TRUST WE MAY EXPECT TO SEE THAT OUR COMMUNICATIONS AND MESSAGES WILL GET THROUGH TO THE RESPECTIVE MINISTRIES AND GOVERNMENT WITH MORE RECOGNITION AND CLOUT. WE KNOW THE SUCCESS OF THE NEW MINISTRY WILL OF COURSE BE DEPENDENT UPON THE SUPPORT OF THE MAJORITY AND THE AMOUNT OF FUNDING IT FINALLY RECEIVES. THIS WE WILL WATCH WITH CONCERN AND INTEREST, BECAUSE WE ARE FULLY AWARE THAT PROPER FUNDING IS BASIC TO A NEW BROAD MINISTRY SUCH AS NORTHERN AFFAIRS, AND WITHOUT IT THE NEW MINISTRY IS LEFT WITHOUT POLITICAL CLOUT. WE ARE VERY ENCOURAGED TODAY, BUT EXPERIENCE HAS CAUTIONED US TO WAIT AND SEE HOW THE BALL BOUNCES.

IN CLOSING I SAY TO YOU, HELP US TO GET THE TOOLS AND WE WILL SHOW YOU A BETTER JOB. THE TOOLS ARE UNDERSTANDING OF NORTHERN PEOPLE, SINCERE INVOLVEMENT, POLITICAL CLOUT, A TRUE PERSPECTION OF THE NATIVE PEOPLE AND THEIR ABILITIES AS MEN AND WOMEN IF UTILIZED, RESPECT FOR OUR VIEWPOINTS AND EXPERIENCE, A FAIR NEWS MEDIA WITH SOME OBLIGATION TO CARRY OUT THOROUGH RESEARCH BEFORE THEY PROCEED. <sup>the report</sup> WE HAVE BEEN ILL SERVED BY THOSE WHO JUMP TO RASH CONCLUSIONS BASED ON INADEQUATE OR INACCURATE INFORMATION. DISRAELI SAID "IT IS EASIER TO BE CRITICAL THAN IT IS TO BE CORRECT". WE RECOGNIZE THE TRUTH IN THESE OBSERVATIONS.









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SUBMISSION TO  
THE ROYAL COMMISSION ON  
THE NORTHERN ENVIRONMENT

BY

CHIEF BEN QUILL

PRESENTED AT

RED LAKE  
ON

NOVEMBER 15, 1977



ROYAL COMMISSION  
ON THE NORTHERN  
ENVIRONMENT

THE HON. MR. JUSTICE  
E. P. HARTT  
COMMISSIONER



SUBMISSION TO  
  
THE ROYAL COMMISSION ON  
THE NORTHERN ENVIRONMENT

BY

CHIEF BEN QUILL  
Pikangikum Indian Reserve  
Red Lake, Ontario

PRESENTED AT  
RED LAKE, ONTARIO  
  
ON  
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ROYAL COMMISSION  
ON THE NORTHERN  
ENVIRONMENT  
416/965-9286

MANULIFE CENTRE  
55 BLOOR STREET WEST  
ROOM 801  
TORONTO, ONTARIO  
M4W 1A5





No. 65

Royal Commission on the  
Northern Environment

This exhibit is produced by

*Chief Ben Quill*

this 15 day of Nov. 1977

*B. Quill*

BRIEF PRESENTED TO ROYAL COMMISSION

THE NORTHERN ENVIRONMENT

CHIEF BEN QUILL, PIKANGIKUM.

NOVEMBER 15. 1977.

RED LAKE, ONTARIO.



PRESENTATION BY BEN QUILL, PIKANGIKUM

My name is Ben Quill. I have been a chief for 5 years. Pikangikum is an Indian reserve here. It is only 57 air miles from Red Lake. But there is no Road, you can only get to Pikangikum by plane.

As you can see. Pikangikum is in the area to the Reed Company. Because my people will be directly affected by the Reed development, I decided to make a brief presentation here in Red Lake. But Pikangikum will also make a presentation to you in Osnaburg.

The reserve land of Pikangikum is only 9 square miles. We have 900 people in our community. Our trap lines stretch from the Manitoba border to near Cat Lake, from 20 miles north of Red Lake to near Deer Lake. We use a lot of the land the Reed Company wants.

I have been a trapper and a fisherman for 30 years. I know the animals and the bush. I want to tell you what will happen if Reed cuts down the bush or if the rivers are dammed.

If large area of the bush are cut down, the land animals will disappear. They want to go into open spaces. It is too cold in the winter and too hot in the summer. They like the bush to get away from the wind in winter and to get shade in summer. I know this from my own experience. One year there was a fire on the trapline. That winter I found the bodies of deer who had frozen to death in the open. No matter what the forestry company's say the land animals want to play in the open.

Trapping is a good life and its not so hard now that planes can bring supplies to our lines and we have ski-doo's to haul our animals. Before we had to carry them and they weighed alot wet.



But if they cut down the trees the beaver will go. Like the land animals, the beaver like the bush. He's like a person, he doesn't want to have to work hard.

And if the land is flooded you won't find beaver or muskrat. The water is filled with land materials and the trees are dead.

Fish are ver important to my people too. I eat fish most of the time, and moose. But the fish don't live if the water is polluted or where there is a dam. On my reserve, there is a small dam for electric power. After it was built we found lots of dead fish. The dam changed the natural flow of the water and maybe changed the fish's food source.

But the bush is important fot more than food-we get medicines from the plants and roots. When we are on the trapline we use these medicines. We find they work better for us than the medicine from the nursing station. If the trees are cut down, the roots will die and we will loose our medicines.

If Reed is allowed to cut the bush, it will be bad for us. We won't be able to live by hunting, trapping and fishing anymore. We use most of the land the government is giving to Reed. Our ancestors are buried in many placed in this land. We have been much longer here than 3 generations. If Reed cuts dpwn the bush, the Indian people will be destroyed.

Justice Hartt - I invite you to come to Pikangikum. Visit us, get to know us, see where er live, see how we live. Come to Pikangikum first as a visitor then later as judge.













BINDING SECT. AUG 18 1960

GOVT PUBNS



